

**ROYAL AUTHORITY
IN
ANCIENT INDIA**

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By
Dr. Manorama Upadhyaya

Assistant Professor, Department of History
Mahila P.G. Mahavidyalaya, Jodhpur
(Affiliated to Jai Narain Vyas University
Jodhpur)

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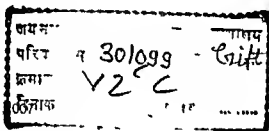
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Foreword

State is a powerful entity, that stands between anarchy and order. As monarchy was the normal form of government in Ancient India, the power to rule was vested in the king or the royal authority. Royal authority was the symbol of sovereignty. Yet, it was not arbitrary. The seven constituents or Prapritis i.e., Amatya, Janapada, Durga, Kosa, Bala and Mitra, along with the Swami (the king), as described in the Dharmasastras and Nitisastras, clearly indicate that these constituents not only formed the whole body politic, but also acted as effective checks on the royal authority.

The book is a systematic and scholarly study of an important aspect of Ancient India Polity. The author has utilised original and contemporary, as well as secondary sources, effectively. With an analytical and critical approach she has presented the subject in a lucid style and proper context. So far as the content is concerned the study is rich, covering all aspects. I feel that this book will be useful for researchers, scholars and readers.

Jodhpur

R.P. Vyas

Former Head

Department of History

Jai Narain Vyas University

Jodhpur (Raj.)

PREFACE

Peace and order, protection and security are the fundamental requirements of a society for its progress and prosperity. Lest the anti-social elements become a hindrance in its smooth functioning, some sort of coercive authority is required to check them. This authority is vested in the State.

In ancient India as monarchy was the normal form of government this coercive authority was exercised by the king. We are confronted with many questions regarding royal authority, such as, what were the determinants of that authority? To what extent the King could exercise it? Did the authority leave any scope on the part of the subjects to exercise their free-will? Such questions have inspired the author to take up this problem for research.

The study of Royal Authority in Ancient India' deals not only with the factors and forces that determined royal authority but also includes the study of the emergence, nature and extent of royal authority in ancient India.

The scheme of the chapters in the book is as follows.

Chapter I deals with the concept of royal authority in ancient India, and this could be better understood when we study the nature of the state. Ancient Indian thinkers have put forward the concept of a seven-limbed state and the seven limbs—Angas or Prakritis are said to be the basic determinants of royal authority.

In chapter II a study has been conducted regarding the emergence of royal authority. The performance of the Rajasuya sacrifice enabled the sacrificer to attain Kingship. Various rites and rituals of that ceremony had peculiar and particular significance, and it poses many questions as to what was the role of the people in connection with the sacrifices? Could the King exercise his authority arbitrarily? An attempt has been made to answer such questions in this chapter.

Politics devoid of Ethics is like a corpse. Ethical principles lay the foundation of royal authority. Political righteousness forms the core of an ideal statecraft. It is said that the King is the pivot round which the whole administrative machinery revolves and as such he has greater responsibilities to shoulder. The type of conduct a King is required to cultivate and the virtues he is to acquire to be an ideal King, is the central theme of chapter III, 'Metaphysical Foundations of Royal Authority'.

The Janapada element of the state is examined in Chapter IV. Some writers of the ancient Indian Polity are of the opinion that the element of population which is an essential element of the state according to them is not taken into account by the thinkers of yore. But they forget that the term Janapada meant territory as well as population. Jana is the people and the territory inhabited by the people is termed Janapada. The natural resources, geographical situation and the climatic conditions of an area have profound impact in moulding the nature, habits and character of the people as well as the social and political institutions of a community. A loyal and trustworthy population is an asset to the state. Public rights and public opinion played a prominent role in determining the nature of royal authority in ancient India.

Chapter V is centered round the study of the role of the administrative machinery. In ancient India various institutions exercised political authority. Was the principle of decentralization working therein? What was the extent to which those institutions enjoyed their rights?

Were they able to exercise control over the central authority or not? An attempt has been made to examine such issues in this chapter.

Without the study of the institutions of Purohita, the study of ancient Indian political institutions is incomplete. The Purohita to a great extent influenced the nature, functioning and sustenance of royal authority. Apart from his ecclesiastical authority, he held a responsible and noteworthy post in the administrative machinery, and to a great extent the king was dependent upon him. Chapter VI is devoted to the study of such issues.

A primary function of the state in ancient India was to establish peace and order, to protect the people and to ensure them good government, and all this was accomplished through Dandasakti or the power of the rod of chastisement. This power was three-fold: The power of law, of judiciary and of army, and these are dealt with in Chapter VII.

An account of the fiscal system is given in Chapter VIII. A King without a sound treasury is too weak to exercise his authority. The study of the emergence of royal authority reveals that the king and the treasury were coeval. The people paid taxes to the king in lieu of their protection and if he failed in performing his duty he had no claim to exact revenue from the people. The taxation policy, the sources and amount of revenue influenced to a great extent the making and unmaking of the political institutions. A liberal and just taxation policy was considered to be the fundamental basis of royal authority.

Chapter IX contains concluding remarks.

I have no words to express my deep sense of gratitude and sincere feeling of intellectual indebtedness to my research guide, Professor, Dr. S. R. Goyal, former Head, Department of History, Jai Narain Vyas University, Jodhpur for his stimulating and valuable guidance in the preparation of the manuscript, and whose constant help has greatly contributed towards the completion of this work.

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Jodhpur

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ABBREVIATIONS

RV.	:	Rgveda.
AV.	:	Atharvaveda.
Yaju.	:	Yajurveda.
Katha. Sam.	:	Kathaka Samhita.
Mait. Sam.	:	Maitrayani Samhita.
Taitt. Sam.	:	Taittiriya Samhita.
Vaj. Sam.	:	Vajasaneyi Samhita.
Ait. Br.	:	Aitareya Brahmana.
Sat. Br.	:	Satapatha Brahmana.
Taitt. Br.	:	Taittiriya Brahmana.
Panca. Br.	:	Pancavimsa Brahmana.
Br. Up.	:	Bṛhadaranyaka Upanisad.
Chan. Up.	:	Chandogya Upanisad.
Apss.	:	Apastamba Srauta Sutra.
Kss.	:	Katyayana Srauta Sutra.
Apastamba. Dh. Sutra.	:	Apastamba Dharma Sutra.
Baudhayana. Dh. Sutra.	:	Baudhayana Dharma Sutra.
Gautama. Dh. Sutra.	:	Gautama Dharma Sutra.
Vasistha. Dh. Sutra.	:	Vasistha Dharma Sutra.
Ramayana.	:	Ramayana.
Bala.	:	Bala Kanda.
Ayodhya.	:	Ayodhya Kanda.
Aranya.	:	Aranya Kanda.
Kisk.	:	Kiskindha Kanda.

Sundara	Sundara Kanda
Yuddha	Yuddha Kanda
Mbh	Mahabharata
Adi	Adiparvan
Sabha	Sabhaparvan
Vana	Vanaparvan
Virata	Virataparvan
Udyoga	Udyogaparvan
Bhisma	Bhismaparvan
Drona	Dronaparvan
Karna	Karnaparvan
Salya	Salyaparvan
Saughtka	Sauptikaparvan
Stri	Striparvan
Santi	Santiparvan
Anusasana	Anusasanaparvan
Asva	Asvamedhikaparvan
Asrama	Asramavasikaparvan
Mausala	Mausalaparvan
Mahapr	Mahaprasthanikaparvan
Svarga	Svargalokaparvan
As	Ashtadhyaya
Manu	Manusmṛti
Yajnavalkya	Yajnavalkyasmṛti
Visnu	Visnusmṛti
Parasara	Parasarasmṛti
Bhagavata	Bhagvata Purana
Agni	Agni Purana
VDP	Visnudharmottara Purana
Matsya	Matsya Purana
Visnu P	Visnu Purana
Brahma	Brahma Purana
Markandeya	Markandeya Purana

Siva.	:	Siva Purana.
Jataka.	:	Jataka.
DN.	:	Digha Nikaya
Chullavagga.	:	Chullavaga. Vinaya Text Vol. II.
Nitivakyamtra.	:	Nitivakyamrta of Somadeva Suri.
Sukra.	:	Sukraniti.
Kamandaka.	:	Kamandakaniti.
Panini.	:	Astadhyayi of Panini.
Sisupalavadha	:	Sisupalavadha of Magha
Raghuvamsa.	:	Raghuvamsa of Kalidasa.
Rajatarangini.	:	Rajatarangini of Kalhana.
IA.	:	Indian Antiquary.
EI.	:	Epigraphia Indica.
VI.	:	Vedic Index.
CII.	:	Corpus Inscription Indicarum.
Sel.Inserr.In.	:	Selected Inscriptions Indicarum.



SYSTEM OF TRANSLITERATION INTO ROMAN

अ	a	औ	au	ट	t	भ	bh
आ	ā	—	Ā	ठ	th	म्	M
इ	i		h	ड	d	य	y
ई	ī	क	k	ढ	dh	र	r
उ	u	ख	kh	ण	n	ल	l
ऊ	ū	ग	g	त	t	व	v
ऋ	r̥	घ	gh	थ	th	श	ś
ॠ	r̄	ड	n	द	d	ष	ṣ
ऌ	l̥	च	c	ध	dh	स	s
ॡ	l̄	छ	ch	न	n	ह	h
ए	e	ज	j	प	p	क्ष	ks
ऐ	ai	झ	jh	फ	ph	त्र	tr
ओ	o	ञ	ñ	ब	b	ज्ञ	jñ

CONCEPT OF ROYAL AUTHORITY

The state is a sovereign entity and its sovereignty connotes total authority; an ability to reward and punish, capacity to give orders and receive orders from none. Kauṭilya¹ has used the terms Rājatva and Prakṛtiḥ for sovereignty and its attributes. Aiśvarya² is another term used for sovereignty. The common terms were Śrī,³ Rājyaśrī and Rājyalakṣmī.⁵

In Buddhist literature sovereignty is expressed in a variety of terms such as Āna, Ādhipacca, Issariya and Śirī. Āna means order or command and implies an ability to give orders to all. Ādhipacca signifies overlordship, the quality of imposing superiority over others. Issariya is the quality of exercising overwhelming influence or control, the capacity to impose authority. Śirī is splendour, beauty, good fortune, glory, majesty and prosperity and is based on material possessions.⁶

1. AS. I. 7. 9 ; 6. I. 1.

2. Rājataranginī : 7.1582.

3. Pārāśara : 1.68 ; Yājñavalkya : 1.340; Mbh. : Udyoga 133.13; Rājataranginī : 7.1582; 1.76; Śukra : 1.96.

4. Raghuvamśa : 8.13; Rājataranginī : 7.202; 4.518; 5. 467.

5. Mbh. : Śānti 8. 4-5; Rājataranginī : 1.188.

6. Gokhale; B. G. : The Early Buddhist View of State, JAOS, Vol. 89, no. 4. Oct-Dec. 1969, p. 733

As monarchy was the normal form of government, sovereignty in ancient India was embodied in the king. Royal authority was the symbol of the sovereignty of the state. The Indian equivalent of sovereignty was Kṣatra in the Vedic literature and Swāmitva in the Arthasāstra, the law codes and the inscriptions. H N Sinha writes that it was Kautilya who maintained that Swāmī, though the first of the seven elements of the state, was actually the sovereign and symbol of the state. Swāmī was the lord or head of the state with ministers, allies, treasury, army, land and fortifications. These constituted the total context of the state. That is why the concept of Indian sovereignty must be based upon the concept of the ancient Indian state.⁷

SOVEREIGNTY AND ITS CONSTITUENTS : THE PRAKṚTIS OF RĀJYA

Rājya, the term generally translated as 'state' in modern Indian language is a secondary nominal formation from the word "Rājā" and etymologically implies that which pertains to the king. In the early sources it is best translated as 'kingdom'. The nearest approach to a developed concept of the state is to be found in the stock list of seven constituents, Prakṛti of the Rājya. These are Swāmī, Amātya, Janapada, Durga, Koṣa, Daṇḍa and Mitra. Swāmī meant the king, Amātya, the ministers and administrative officers, Janapada stood for territory and population, Durga was fortified capital, Koṣa meant treasury, Daṇḍa implied army and law, and Mitra meant ally.

It is still a problem to find out that when and by whom the Saptāṅga theory was first advocated. But it is clear that this concept as we have today is not the contribution of the Vedic period. No doubt, in Vedic literature the king, ministers, territory, army and forts are mentioned,⁸ but nowhere it is mentioned that these are the elements of the state.

7 Sinha, H N. Sovereignty in Ancient Indian Polity p. XVIII

8 RV 10.12.90 Yajū 8.20

Besides, the allies and treasury are not mentioned. The concept of Virāta Puruṣa in the Yajurveda⁹ gives us a picture where the territory (Rāṣṭra) is said to be his back, the population (Viśaḥ) his stomach, neck, waist, thigh and knee, the treasury (Koṣa) his head, valour his mouth, hair and moustaches and the king its eternal life.

The Saptāṅga theory or the seven limbed state theory may have been developed during the Post-Vedic period. In various treatises such as the Arthaśāstra of Kauṭilya, Manusmṛti, Yājñavalkyasmṛti, Mātṛbhāṣya and other Nītiśāstras, we find enough references to the seven elements of the state. The thinkers have called these elements as Prakṛti or Anga of the State.¹⁰

The Buddhists do not offer a systematized list of the constituents of the state like the one contained in the Arthaśāstra of Kauṭilya. There are, however, several passages which contain suggestions which, taken together, may give us the Buddhist idea of the constituents of the state. Of these the king, naturally is the leading constituent. Next to him comes territory (Rattha). This is followed by the mention of the bureaucracy (Amācca and Parisajja), the treasury (Koṣakotthagara) and the people (Manussa). The list does not have forts as a constituent of the state as in the Arthaśāstra list, otherwise the two lists are very similar.¹¹

SWĀMĪ

One who possesses Aīśvarya or sovereignty is called Swāmī.¹² V.S. Agrawala writes that Swāmī, implying Aīśvarya primarily denoted a

9. Yaju : 12.31.

10. AS. : 6.1.1; Manu : 9.294; Yājñavalkya : 1.353; Mbh. : Śānti. 69.64-65; 320.156; Mbh. : Anuśāsana 65.65; Agni : 225.111; Bhāgavata : 6.14.17; Kāmanadaka 4.1; Śukra : 1.61

11. Saṃyukta Nikāya : 1.p.192; Dīgha Nikāya : 1. pp. 116,121; Milinda Panho : pp. 37,61; Anguttara Nikāya : 5p. 22; Quoted by Gokhale, B.G. : "The Early Buddhist view of the state", JAOS. Vol. 89, no. 4, Oct-Dec. 1969, p. 733

12. Pāṇini : 5.2.126; 5.1.41-42.

king.¹³ Swamī connotes sovereign according to the evidence of the Inscriptions.¹⁴ The King occupies a dominant position. Indeed, state and king are often used interchangeably. By virtue of his authority, the king is the Lord of the kingdom. He is also called the Lord of the people 'Janendra'.¹⁵

The Swamī is placed at the top of the list of the constituents, because he constitutes the most vital organ of the state. Almost all the thinkers have laid stress on his central role. Kautilya says that King and state are inseparable.¹⁶ One without the other is inconceivable. This statement, writes J P Suda, should not be interpreted in the sense in which king Louis XIV of France boasted that he was the state.¹⁷ It signifies nothing more than that the king is the most important and the highest of all the seven constituents. He occupies the highest position because he is the source of social progress and prosperity, and in the last resort everything depends on him. He wields the rod of chastisement or Danda on which the sway of Dharma ultimately rests. When Danda and Dharma disappear, the world comes to an end.¹⁸ The great importance attached to the king is obvious from his description as the root of the subject-tree.¹⁹

AMĀTYA : MINISTERS AND ADMINISTRATIVE OFFICERS

The term Amātya may be taken to stand for the higher officials who managed the various departments and assisted the king in conducting the affairs of the state. In the Arthasāstra the Amātyas constitute a regular cadre of services from which all high officers are to be

13 Agrawala, V S. *India as known to Pāṇini*, p. 398.

14 Luder s. No 1100 for Pulamāvi, No 1174 for Nahapāna, No 1124 for Gautamīputra Śrī Śālikarni. Quoted by Sinha, H N. *Sovereignty in Ancient Indian Polity*, p. 241.

15 Sinha, H N. *Sovereignty in Ancient Indian Polity*, p. 294.

16 AS, 8.2.1.

17 Suda, J P. *Ancient Indian Political Thought and Institutions*, p. 76.

18 Manu, 7.24.

19 Brhatsamhitā, XI VII.1. Quoted by Shastri, A M. *India as seen in the Brhatsamhitā of Varāhamihira*, p. 466.

recruited.²⁰ Besides the term *Amātya*,²¹ two other terms *Saciva*²² and *Mantrin*²³ were also used. R.P. Kangle has translated *Amātya* and *Saciva* as ministers and *Mantrin* as counsellors.²⁴ Sometimes a distinction is drawn between the three and sometimes they are used as synonyms. Ignoring the distinction and taking the term *Amātya* to signify the ministers, upon whom the king depended for advice and assistance, the necessity of ministers or advisors is stressed by almost all the writers.

Kauṭilya says that rulership is possible only with assistance. A single wheel can never move. Hence the king shall employ ministers and hear their opinion.²⁵ Manu says that when even a comparatively simple and easy task can be performed with great difficulty by a single man, it would be obviously impossible for a king to run an administration without assistance.²⁶ It is said that fortune favours neither high descent nor physical beauty, nor learning, but she serves only the ruler who is heroic and possesses good assistance.²⁷ For the stability and security of the kingdom stress is put on the appointment of able ministers.²⁸ Somadeva Sūri is of the opinion that the king should act according to the advice of his ministers.²⁹ According to the *Mahābhārata* the king should adhere to the counsel of his ministers.³⁰ Śukra says that the importance of the ministers lies in the progress and prosperity of the state, the subjects, treasury, army and good government, *Surājatva*. If it is not so then what is their utility?³¹

20. AS. : 1.9.10-16.

21. Ibid. : 1.8.1.

22. Ibid. : 1.7.9.

23. Ibid. : 1.8.29.

24. Kangle, R.P. : *Kauṭilya's Arthasāstra*, Vol. 2, pp.15,14,16.

25. AS. : 1.7.9

26. Manu : 7.55.

27. *Śisupālavadha* : 2.76.

28. Śukra : 2.1, *Rāmāyaṇa* : Bala.16.12.

29. *Nītivākyaṃṛta* : 22.57-59.

30. Mbh. : *Śānti*. 83.48.

31. Śukra : 2.83.

Since the Amātya of Kauṭilya is identical with the Pāli Amācca, we can better appreciate his position and function on the basis of early Pāli texts. The Jātakas show that the Amātyas were employed in hundreds, acting as village headmen, supervisors of sale transactions, Judges, guides etc.,³² Kauṭilya assigns them agricultural operations, fortifications, prevention of adversities etc. Thus it would appear that the Amātyas stood for the governmental machinery.³³

JANAPADA : TERRITORY AND POPULATION

The Indian technical terms to denote territory are Janapada³⁴ and Rāṣṭra³⁵ Deśa and Pṛthivī. The terms Deśa³⁶ and Pṛthivī³⁷ are treated as synonymous terms in the Arthaśāstra.³⁸ Janapada literally means tribal settlement. Manu³⁹ and Viṣṇu⁴⁰ have used the term Rāṣṭra. Yājñavalkya has simply used the term Jana.⁴¹ Jana means folk or people in classical Sanskrit. Jana and Janapada refer to the people, the subjects and to distinct tribal locality and country as well. The term Rāṣṭra clearly conveys the meaning of territory, but Jana certainly means population. The nature of Janapada defined in the Arthaśāstra indicates that both territory and population are intended to be covered by this expression.⁴² An important geographical term used by Pāṇini is Janapada, which was both a state and a cultural unit. Its culture counting more than its geography. Its cultural integrity was reflected and preserved in the manners, customs and the dialect of its people.⁴³

32 Sharma, R S. Aspects of Political Ideas and Institutions of Ancient India, p. 33

33 AS. I 15 51 52

34 Ibid. 6 1 8

35 Amarkośa. Kṣātriyavarga, 36

36 Separate Rock Edict I

37 Rock Edict V

38 AS. 9 1 17

39 Manu. 9 294

40 Viṣṇu. 3 33

41 Yājñavalkya. 1 353

42 AS. 6 1 1

43 Agrawala. V S. India as known to Pāṇini p. 48

Territory is the material basis of a state and its importance was fully understood. The thinkers have discussed in full the excellent qualities of a territory.⁴⁴ Climate and the nature of the soil determine in a very large measure the prosperity or adversity of a country as well as the physical and moral characteristics of its people.

An ideal territory is described as the territory which is without thorns (Akantaka) and untroubled, and where men are happy and joyous living in home with open doors. By the qualities of the territory the kingdom prospers.⁴⁵

DURGA : FORT

The fourth element mentioned by Kautilya is Durga, which is called Pura in Manusmṛti and occupies the third place there. The expression of Durga is understood in the sense of fortress⁴⁶ and fortified capital.⁴⁷ The distinction between the Janapada and the Pura seems to have been made out in the Mahābhārata, the former indicating the countryside and the latter the capital.⁴⁸ Construction of various kinds of forts is advised.⁴⁹ The forts were to be filled up with food grains, money, arms and armours, men and machinery etc.⁵⁰ They had the places of refuge against attack.

In ancient times the Durga was considered to be of great importance for the security and safety of the kingdom.⁵¹ A single archer under the shelter of the fort wall could fight a hundred of the enemy, and a hundred could fight ten thousand.⁵² Kautilya minutely describes the

44. AS. : 6.1.8; Manu : 7.138, 8.69; Mbh. : Śānti 75.10; Kāmandaka : 4.54-55; Agni : 239.26.

45. Kāmandaka : 4.50.

46. Altekar, A.S. : State and Government in Ancient India, p. 44.

47. Mbh. : Śānti, 85.5

48. Ibid. : 69.63

49. Manu : 7.69-71; Mbh. : Śānti, 86.5; Śukra : 4.6.1-8; AS. : 2.3.1.

50. Manu : 7.75; Śukra : 1.241; Mbh. : Śānti, 85. 6-10

51. Manu : 7.73.

52. Ibid. : 7.74; Sukra : 4.6.10

layout of the capital and the construction of forts⁵³ He says that the frontiers should be protected by forts manned by boundary guards⁵⁴

KOŚA : TREASURY

All the activities of the state depend upon finances The thinkers enjoin upon the king to guard his treasury and keep it full⁵⁵ Kāṭilya says that the treasure accumulated by righteous and legitimate means should be retained by the king or should be amassed by him in the same manner Filled with gold, silver, precious jewels and gems, the treasury should be able to stand the strain of expenditure during the times of adversity⁵⁶ Without treasury it is not possible to maintain the army and to keep it loyal⁵⁷ It is a clear recognition of the vital link between the two elements of the state, although he also makes a broader assertion that all activities depend upon finances According to Somadeva Sūri treasury is the most precious possession of the king, it is the king in person⁵⁸ Kāmandaka, Agni Purāṇa and Bhīṣma call it the root of kings⁵⁹ In Viṣṇudharmottara Purāṇa it is said that treasury is the root of the state tree⁶⁰ Financial stringency is thought as the severest calamity of the state

DANḌA : BALA : ARMY

Kautilya, Manu, and Bhīṣma while describing the constituents of sovereignty mention Danḍa as one of the constituents⁶¹ Kāmandaka and Śukra have used the term Bala⁶² The term Danḍa had a comprehensive connotation It implied not only the army but also

53 AS 241-13

54 Ibid 231

55 Mbh Śānti 119 16 Manu 780 AS 2812 Kāmandaka 118

56 AS 6110

57 Ibid 8147-48

58 Nītivākyaṃṛta 217

59 Kāmandaka 13.33, Agni 241 22, Mbh Śānti 119 16

60 VDP 261 17

61 AS 611 Manu 9294 Mbh Śānti 69 64-65, Kāmandaka 13 33

62 Śukra 161

meant chastisement or punishment. As a constituent of sovereignty it could better be understood to mean Bala i.e. army.

A strong and powerful army is absolutely essential for the existence and security of a state. Armies were necessary not only for defence against aggression by other states, but they were equally needed for carrying out war expeditions. The army comprised of infantry, chariots, elephants and cavalry and was termed as Caturanginī Sena.⁶³ The army having admiralty, spies, guides (scouts) and commissariat alongwith the above four divisions was called Aṣṭāṅgabala.⁶⁴ Spies held an important position among the eight wings of the army. They were called the eyes and ears of the king. The Deśika (scouts) provided guidelines for army through which the soldiers could proceed and attack the enemy. Apart from the fighting services, however, the army required commissariat and the transport services. The commissariat was to make provisions for the means of transport, treasury, weapons, machines, physicians and surgeons, skilled workmen, food, water and other necessities of the army.⁶⁵

The necessity of army can be seen from the fact that Aśoka could afford to renounce war but even so we have no record of Aśoka's disbanding his army.⁶⁶

MITRA : SUHRT : ALLY

The seventh and last constituent mentioned by Kauṭilya is Mitra,⁶⁷ who is also known as Suhrt in several texts.⁶⁸ R.S. Sharma writes, "In modern times unless a state receives the recognition of other states, its de jure status is not established. Perhaps this element in the modern

63. Paṇḍini : 11.4.2; Mbh. : Udyoga 30.25.

64. Mbh. : Udyoga. 148.58-59 : 149.12-14

65. Ibid.

66. Drekmiar, C. : Kingship and Community in Early India. p. 159.

67. AS. : 6.1.12; Yājñavalkya : 1.353.

68. Manu : 9.294; Sukra : 1.61.

state may be compared to Mitra (ally) although the object in ancient times was to secure allies and not recognition from other states⁶⁹

J P Sūda is of the opinion that it has been aptly remarked that whereas Swāmī, Amātya, Janapada, Koṣa, Durga and Bala constitute elements of internal sovereignty of a state, the doctrine of Maṇḍala which is developed by Kauṭilya in the course of his treatment of friend or ally constitute the basis of what has been termed external sovereignty. Hindu thinkers realized that the sovereignty of a state was not complete unless it could exercise its internal authority unobstructed by others. For this purpose the state did stand in need of external friends or allies, all the more so when a state could maintain its independent existence in the midst of a large number of ambitious and power hungry states by maintaining some sort of balance of power⁷⁰

Sūda on page 89 (footnote) writes that the inclusion of Mitra or ally as a constituent element of the state by the ancient Hindus again highlights the concrete nature of their approach to the subject. For them the state was a concrete entity standing in intimate relations to other entities of the same nature, it was one political entity in the midst of many. It could not be thoroughly studied and understood apart from its relationship to other states. This shows that their approach was external also and not wholly internal, it was dynamic and not purely static.

B A Saleore⁷¹ after discussing the six elements of state from Swāmī to Koṣa says that the theory of the Prakṛtis or elements of the state had two aspects— one which considered the state with an individuality of its own, and the other, the state as a unit in a circle of states. Then the author has discussed the Maṇḍala theory. He further states that Kauṭilya has mentioned eight elements of state including

69 Sharma, R S. Aspects of Political Ideas and Institutions in Ancient India, p. 38

70 Sūda J P. Ancient Indian Political Thought and Institutions, p. 90

71 Saleore, B A. Ancient Indian Political Thought and Institutions, p. 474

enemy and he quotes the Sūtra 6.1.1. But in that Sūtra nowhere the element of enemy is included. Kautilya after discussing the seven constituents has put his views about the enemy and in the following verse he says that excluding the enemy these seven elements, possessed of their excellent characteristics are said to be the limb-like elements of sovereignty.⁷²

R.P. Kangle⁷³ writes that among the seven constituents the last viz., the ally is the ruler of a different similarly organized state and forms no part of the other state's internal organization. His mention is primarily in connection with that state's foreign relations. There are thus six essential elements in a state. Kangle has attacked the very concept of Saptātmaka, Saptāṅga Rājya. He has forgotten that the thinkers have clearly put the concept of seven-limbed state.

Saletore, Kangle and Suda are of the opinion that six elements are related to the internal authority of the state and the seventh i.e., ally with the external authority of the state and they have related it with the state-system i.e., the Maṇḍala theory. But their view cannot be agreed upon. In the Maṇḍala theory ally as well as enemy are mentioned but in the Saptātmaka state Mitra is counted as an element but nowhere the enemy is included in that theory. Thus the ally may also be taken as one of the elements of internal organization of the state.

RELATIVE IMPORTANCE OF THE CONSTITUENTS

Kautilya's exposition of the weaknesses of the constituents of the state throws light on the relative importance of the constituents. In his system the Swāmī occupies the most important place. He is the standard of sovereignty to rally loyalty and hold the realm together.⁷⁴ "A Swāmī" says Kautilya, "when endowed with rich qualities enriches the Prakṛtis with his own richness, of whatever character he

72. AS. : 6.1.15: Shamasastri, R. : Kautilya's Arthaśāstra, p. 289.

73. Kangle, R.P. : Kautilya's Arthaśāstra, pt. 3, p. 123.

74. AS. : 6.1.6.

is of that character the Prakṛtis become, because their progress and decline are dependent on him⁷⁵ He is called Kūṭasthānīya (centre)⁷⁶

As regards other constituents Kautilya argues that preceding constituent is more important than the succeeding⁷⁷ Manu at one place says that at different times a different element assumes importance over the other Since that particular element is, in the particular circumstances, capable of accomplishing the purpose in hand, it is difficult to say that one part is more important than other⁷⁸ Similar view is expressed in the Mahābhārata⁷⁹

The Agni Purāṇa mentions the order of the elements at different places⁸⁰ an analysis of the passages shows that the king (Swāmī) and his administrative officers (Amātya) head the list everywhere They are followed by the territory and the people (Janapada or Rāṣṭra) and the fort (Durga) Then come treasury (Koṣa) and army (Daṇḍa) and the last position is occupied by ally (Mitra)

In normal conditions none is less important than another If it becomes a matter of desperate choice in an emergency, as when an amputation may be the only way of saving the man, so in a national calamity, such as a foreign invasion, one may give up an ally than sacrifice the army, even give up the army than the war-chest, from which new troops may be raised and new allies won, sacrifice even the treasury to save the country from ravage (as by buying of an invader), allow even the country to be over-run or denuded in a 'denial' policy to an invader, who might attempt to live off the land, and carry on the war, at the expense of the invaded land, and to withdraw to the fortified capital If it becomes necessary in the last desperate effort to save the state, to evacuate even the capital, it may

75 Ibid 1517 8116

76 Ibid 8118

77 Ibid 815

78 Manu 9297

79 Mbh Sānti 320 156 158

80 Agni 225 11 233 12 239 1 4 5

be done if the men, who have stood behind the king, as his ministers and directed the defence, can be saved. When all seems lost, and even the members of the cabinet have been lost, the sole remaining hope of rallying the defenders, of making the ravished state rise again from the embers of its destruction is the king, the living symbol of union.⁸¹

The principles are to be applied not only in a war of defence but in invasion also. To attack the citadel of the enemy is more important than to capture his war-chest, and to make his field forces surrender than to detach his allies.

Kautilya reduced the seven elements to two. While discussing the calamities of the king he writes, "the king and his kingdom are the two primary elements of the state".⁸² Commenting upon this Saleore says that there was some justification for this drastic reduction, when we realize the truth that out of the seven recognized elements it was only the king and the country that were of the ultimate significance in the sense that the former appointed the ministers and the army, selected his ally, while it was in the country that a fort could be constructed and through its resources a treasury could be filled.⁸³

U.N.Ghoshal, while explaining Kautilya's above view, speaks of a longer list of the seven constituents, and a smaller one of the two units, meaning thereby that Kautilya thought of a two-fold conception of the state-structure.⁸⁴ Saleore criticizing Ghoshal's view says that the term structure of government would be more appropriately used in connection with the legislative, the judiciary and the executive which make up the state, rather than with the king, the territory, the army, etc., which form the elements of the state..... There is no justification for stating that Kautilya's reduction of the seven elements of the state

81. Manu : 9.295 ; Aiyanger, Rangaswami : Aspects of Social and Political System of Manusmṛiti, p. 190

82. AS. : 8.2.1.

83. Saleore, B.A. : Ancient Indian Political Thought and Institutions, p. 297

84. Ghoshal, U.N. : History of Indian Political Ideas, p. 119.

to two involves a two fold concept of state structure, one comprising a larger list of seven, and the other, two smaller units⁸⁵.

Though Saleatore has criticized Ghoshal's view but he himself is confused when he writes that the legislature, the judiciary and the executive make up the state. Actually they make up the government, and the government itself is one of the organs of the state. The government itself is not the state. Again Saleatore has misinterpreted Ghoshal's view when he says that Ghoshal wrote about one larger list of seven units and the other of two smaller units. Ghoshal does not speak of two smaller units rather he writes "a smaller list of two units". There is great difference between the two statements i.e., 'two smaller units' and 'smaller list of two units'. To use the term 'two smaller units' reduces the importance of the two elements, the king and the kingdom, and defeats the very idea of Kautilya who regards them as the primary elements of the state.

The King is regarded as the basis of the whole state apparatus,⁸⁶ and he forms the root of the state and its components⁸⁷. He is required to protect the fundamental unity of the elements⁸⁸. Kāmandaka is of the opinion that the organs (limbs) of the state depend upon Rāṣṭra, therefore it should be protected at all cost⁸⁹. The Agni Purāṇa⁹⁰ and the Viṣṇudharmottara Purāṇa⁹¹ consider Rāṣṭra as the topmost of the elements.

Kautilya attaches the greatest weight to the Swamī, while Manu indicates a stage of transition when the king is considered both *important and unimportant*. The Mahābhārata and Kāmandakanisāra

85 Saleatore B. A. Ancient Indian Political Thought and Institutions pp 628-629
Notes

86 VDP 265-21-22

87 Agni 225-12 Matsya 218-34 Nītivākyaṃṛta 17-3

88 Agni 225-11-12 233-12-13

89 Kāmandaka 6-3

90 Agni 225-12

91 VDP 265-22

clearly reflect a state of affairs when, inspite of the prevailing monarchical type, royal power receded to the back ground. According to R.S. Sharma⁹², this change of attitude towards the king can be explained on the basis of Post-Mauryan political and administrative developments, which show the rise of feudatories and the beginning of feudalization of the state apparatus, ultimately leading to the decline of royal power. Probably for this reason Manu and the Śāntiparvan emphasize the importance of coercive power (Daṇḍa). Manu looks upon the Daṇḍa as the real king, leader (Netā) and administrator (Śāstā), it is the Daṇḍa which governs the people, protects all and is the custodian of Dharma.⁹³ Yājñavalkya puts stress on the importance of Daṇḍa.⁹⁴

Although the importance of Daṇḍa in the Manusmṛti and the Mahābhārata is not discussed in the context where the seven elements are mentioned, there is no doubt that they attach great weight to this element.

INTER-RELATION OF THE CONSTITUENTS

As regards the inter-relation of the seven constituents of the state it is said that they exist, depending upon one another like three staves of an ascetic well knit together so as to form a single staff.⁹⁵ All these constituents are comparable with the legs of a three-legged stool, which is sure to lose balance even if one of these legs is damaged. Thus, even though the seven Angas are not equal in importance yet they are equally necessary for, and make equal contribution to the efficient functioning of the state. In Kauṭilya's opinion, the constituents may vary in importance, yet calamities (Vyāsana), even of a single element, whatever that element be, important or

92. Sharma, R.S. : Aspects of Political Ideas and Institutions in Ancient India, p. 45.

93. Manu : 7.17.

94. Yājñavalkya : 1.353-354

95. Manu : 9.295; Mbh. : Śānti 320.157.

unimportant, is serious because it is likely to affect the rest of the elements also ⁹⁶

ORGANISMIC UNITY OF THE CONSTITUENTS

For the constituents of the state the term *Prakṛti* and *Anga*, ⁹⁷ are used. The term *Anga* implies that they are comparable to the limbs of the body and their harmonious working is necessary for the health or proper functioning of the state as a whole. A malady affecting any one of them injures the state as a whole, therefore the impaired organ should be repaired ⁹⁸

The most clear enunciation of the organic theory of the state is found in Śukra who compares the different parts of the state with those of the human body. He says that the *Swāmī* (*Nṛpa*) is the head, *Amātya* the eyes, *Suhṛt* the ears, *Kośa* the mouth, *Bala* the mind, *Durga* the hands and *Rāṣṭra* the legs ⁹⁹

R. S. Sharma writes that the organic theory is not much in evidence in Kautilya. The only indication of the integration of the various elements in Kautilya is the view that a serious distress affecting one element might overtake the remainder ¹⁰⁰

Charles Drekmer is of the opinion that the *Saptāṅga* conception of the state is not actually an organic theory. In the *Arthasāstra* the components are graded and it is argued only that damage to one of the seven constituents of sovereignty might adversely affect the other. In *Manu* and in a late didactic portion of the *Sāntiparvan* the term *Anga* is employed ¹⁰¹. Śukra's analogy of the seven components with the various organs of the human body may not be sufficient to justify our calling the work an organic theory of the state, although the

⁹⁶ AS 8 1 63

⁹⁷ *Manu* 9 294 *Kāmandaka* 4 1 *Mbh Śānti* 69 64-65 *Śukra* 1 61

⁹⁸ *Kāmandaka* 4 2

⁹⁹ *Śukra* 1 62

¹⁰⁰ Sharma, R. S. *Aspects of Political Ideas and Institutions in Ancient India*, p. 45

¹⁰¹ Drekmer, C. *Kingship and community in Early India*, p. 195

construction is certainly meant to suggest the intimate relationship of the factors.¹⁰²

Charles Drekmier has not taken into account Kautilya's use of the phrase 'Pratyangabhutah' for the seven elements.¹⁰³ Here the term Anga is used. Manorama Jauhari¹⁰⁴ writes, to say that the ancient Indian state is organic in character is to read a little too much in the data available to us.

J.W. Spellman says that the organic theory of the state was certainly known and held in ancient India.¹⁰⁵ B.K. Sarkar, Rangaswami Aiyangar, D.R. Bhandarkar, P.V. Kane, J.J. Anjaria and others believe that all the seven elements that comprised the state constituted its living and growing organism.¹⁰⁶

B.P. Sinha states that the seven elements are the integral parts of the body politic which lose their significance if treated in isolation from each other. They are the organic parts of the structure of the state and therefore inalienable.¹⁰⁷ Commenting upon Kautilya's views about the seven constituents Sinha says that for all practical purposes the king according to Kautilya not only heads the seven Prakrtis of the state, not only the strength and weakness of the rest depend on the character and ability of the king, but also his supreme importance in the state has to be realized. This is quite in keeping with the conception of a state as an organism. The nature and movement of the organs of the

102. Ibid. : pp. 222-223.

103. AS. : 6.1.15.

104. Jauhari, M. : Politics and Ethics in ancient India, p. 105.

105. Spellman, J.W. : Political Theory of Ancient India, p.9.

106. Sarkar, B.K. : Positive Background of Hindu Society, BK.2, pp. 34-39; Aiyangar, Rangaswami K. V. : Some aspects of Ancient Indian Polity, p.71 ; Bhandarkar, D.R. : Some Aspects of Ancient Indian Polity, p. 80; Kane, P. V. : History of Dharmasastras, Vol. 3, p. 20; Anjaria, J.J. : Nature and Grounds of Political obligation in Ancient India, p. 103; Bhambhari, C.P. : Substance of Hindu Polity, pp. 15-17; Sharma, R.S. : Aspects of Political Ideas and Institutions in Ancient India, pp. 30-32; Salletore, B.A. : Ancient Indian Political Thought and Institutions, p. 83.

107. Sinha, B.P. : Readings in Kautilya's Arthasastra, p. 82.

body depend on the state of the directing head. A diseased brain will cause the disintegration of the entire personality, however, physically normal the other limbs may appear to be Kautilya at one place, *Arthaśāstra* 6.1.15, uses the phrase 'Pratyangabhūtaḥ' for the seven elements indicating, we think is, however, rudimentary form of the conception of the organic unity of the factors of government.¹⁰⁸

Thus it can be accepted that the ancient Indian thinkers had the concept of organismic unity of the state. The use of the term *Anga* suggests that its authors were convinced of the organic nature of the state. It is only the parts of an organism which are called limbs or organs.

THE CONCEPT OF TRISAKTI

Success of the king depends on the use of the Śaktis (strength). As a powerful administrator the king's paramount resources were high impressiveness (*Prabhāva*), heroic perseverance (*Utsāha*), and deliberation or consultation (*Mantrana*).¹⁰⁹ According to Kautilya strength is of three kinds. The power of counsel and diplomacy is intellectual strength (*Mantraśakti*), the possession of a prosperous treasury and a strong army is the strength of might (*Prabhuśakti*) and the personal energy and drive of the ruler himself is the strength of valour (*Utsaḥśakti*).¹¹⁰ These Śaktis are complementary to each other. Māgha says that *Mantraśakti* and *Utsaḥśakti* are the roots of *Prabhuśakti*.¹¹¹ Putting emphasis on *Utsaḥśakti* it is said that an impotent person cannot enjoy his authority.¹¹² It is enjoyed by those who are valourous,¹¹³ but valour devoid of counsel (*Mantra*) invites dangers.¹¹⁴

108 Ibid p 20

109. *Raghuvamśa* 3.13, *Śisupālavadha* 2.27, *Nītivākyaṃṛta* 36.42

110 AS 6.2.33

111. *Śisupālavadha* 2.76

112 *Mbh* : *Udyoga* 133.45, *Sānti* 14.13, 50.12-18

113 *Parāśara* : 1.68, *Rājataranginī* 7.1288

114. *Rājataranginī* 7.219

Commenting upon the three Śaktis mentioned by Kauṭilya, R.P. Kangle writes, "The Śāstra refers to three Śaktis or power that operate in a state."¹¹⁵ They are Utsāhaśakti, the personal energy and drive of the ruler himself, Prabhavaśakti, the power of the army and treasury, and Mantraśakti, the power of counsel and diplomacy. These powers are thought of in connection with a state's relations with other states and have no bearing on the internal structure of a state's organization. That is why Kauṭilya in his own words maintains as against the opinion of the earlier teachers, that Prabhavaśakti is more important than Utsāhaśakti and that Mantraśakti is more important than both. With wise counsel and clever diplomacy a king can easily overcome energetic or mighty rivals. So far as the internal organization is concerned there can be no doubt about the king being the supreme head."¹¹⁶

The learned author at one place says that the Śāstra refers to three Śaktis that operate in a state and at another place he advocates that these Śaktis have no bearing on the internal structure of a state's organization. These views are contradictory to each other. If the Śaktis are said to operate in a state, it implies that it has bearing on the internal structure of the state.

If we critically examine the constituents of these three Śaktis, it is clear that they directly or indirectly possess the seven Parkṛtis of the state, and it can be put in the following terms—

Utsāhaśakti— Personal drive and bravery of the king - Swāmī.

Prabhavaśakti— the power of army and treasury-Bala and Koṣa. Here we can also include Durga and Rāṣṭra.

Mantraśakti— the power of counsel and diplomacy - Amātya and Mitra.

¹¹⁵ Kangle, R.P. : Kauṭilya's Arthasāstra, Pt. 3, p. 128.

¹¹⁶ Ibid. p. 129.

All the three Śaktis are essential, for the existence of a state and its existence includes both its internal as well as external aspects. Thus the seven constituents are the basic determinants of royal authority.

JUSTIFICATION OF ROYAL AUTHORITY

The king is called the upholder of the Dharma, the protector of the people and the defender of the realm, and all this was possible if he wielded authority. Authority is explained as a means of satisfying social needs, and it is possible when power is granted to the king who provides protection to his people. The royal power was based on a concept of authority. It implied the need for some to command and others to obey. Kāṭilya holds that Danda must be applied with justice if authority is to have the respect of the people,¹¹⁷ which amounts to saying that justice is what transforms power into authority. The unjust exercise of power can produce chaos, the law of fishes. Dharmaśāstra literature stresses the importance of virtue in those 'wielding' Danda, rather than insisting that Danda always be the instrument of justice. According to Manu¹¹⁸ and Yājñavalkya¹¹⁹ wisdom, perception, honesty and the willingness to submit to cabnical authority qualify a king to use his coercive authority.

□□□

117 AS 14.11.12

118 Manu 7.31

119 Yājñavalkya 1.355

EMERGENCE OF ROYAL AUTHORITY

Traditionally royal authority was held in high esteem in India. The state was expected to provide security against internal disorder and external invasions, maintain the external conditions of virtue, promote the welfare of the people. For all this the state was required to wield force in accordance with law. Protection of the people was the prime duty of the state. In the Mahābhārata the term *Samyaka raksana* (proper protection) is used¹, and it implies all-round protection and progress of the people. For this, as A.S. Altekar puts, "the state was permitted to have a wide sphere of activity"². It was regarded as centre of society and the chief instrument of its welfare.

The nature and functions of the state as understood in ancient India are succinctly put by Bhīṣma in the Mahābhārata. He says that the state is the foundation of individual security as well as stability of the social order, the basis of great institutions of family and property, the support of the fundamental law of social order and the guarantor of the normal functioning of the social, economic and religious activities of the people³.

1 Mbh. : Śānti, 139.100.

2 Altekar, A.S.: State and Government in Ancient India. P. 60.

3 Mbh. : Śānti, 68.14-17.

The state was to promote the three ideals of life, Dharma Artha and Kāma. The first of these was concerned with individual and social morality, the second with economic well being and the last signified the maintenance of social order and enjoyment of life. The state stood between anarchy and order, its constant function was to ensure that the forces of disorder were kept under check which meant that the state was responsible for peace, order, security and justice.

EMERGENCE OF ROYAL AUTHORITY

The theories of the origin of state in ancient India are actually the theories of the origin of kingship and the emergence of royal authority. The state was called Rājya or Rāṣṭra — kingship and kingdom. Monarchy and the state were identified with each other as the relation between the two was inseparable. The Aitareya Brāhmaṇa observes - Kṣatram hi Rāṣṭram - kingship is state indeed⁴.

The theories concerning the origin of the state/kingship fall into some three broad categories. The first, and perhaps the earliest, is the theory explaining the origin of the kingship in more or less military terms. The second is usually described as the contract theory discussed in the Buddhist texts and the Arthaśāstra of Kautilya. The third is that which attributes a divine origin to the kingship. In all these theories it is almost insisted that the kingship was a product of a deep crisis and came about as an antidote to that crisis.

The account of the Devāsura Saṁgrāma (the great conflict between the gods and demons) in the Aitareya Brāhmaṇa tells us that the need of a leader during the war resulted in the election of 'king' and afterwards the institution of kingship became stabilized and strengthened.

The Buddhist theory refers to a hypothetical golden age and the fall of men therefrom and need for a ruler. The Buddhists stated that men got

4. Ait Br. 7.34.4

5. Ibid. t.4

together and elected one amongst them to be their king and agreed to pay him taxes in return for his work of imposing law and order in the realm⁶. This theory of kingship clearly states the obligations of the two parties. In the *Arthaśāstra* it is said that the people devoured by the law of fishes elected the king⁷.

The theory of divine origin is described in the *Mahābhārata* and other texts. It is stated that in the early age there was no state, people lived in a hypothetical golden age, but gradually it deteriorated and the law of fishes prevailed. Insecurity, brutal struggle for existence, negligence of sacrifice, loss of social virtues and predominance of criminal or anti-social tendencies - these were the evils in a kingless society. Hence, people approached Brahma (the creator), who framed code of law and enjoined *Manu* to govern them⁸. *Manusmṛiti* also throws light on the divine origin theory⁹.

A question may arise, what would have happened if the state did not exist? The one recurrent theme in the *Śāntiparvan*, the *Ayodhyākāṇḍa* and the *Viṣṇudharmottara Purāṇa*, which contain long description of kingless (*Arājaka*) Society, is that family and property would not be safe in such a state¹⁰. Once the state was established on a firm basis it came to be regarded as the greatest safeguard of one's own life and property.

In a kingless society the strong would forcibly appropriate the possessions of the weak. R.S. Sharma¹¹. Critically examining the origin of kingship writes that Bhandarkar has quoted five passages which suggest that the kingly office arose to protect the weak against the strong¹². Quoting the *Mahābhārata* Sharma says that possibly it

6 DN. : 3.93.

7 AS. : I.13, 5-7.

8 Mbh. : Śānti, 58.12-16.

9 Manu : 7.4.

10 Mbh.: Śānti, 68.14; 64.14; *Rāmāyaṇa* : *Ayodhyā*, 67.31; VDP : 2.2.

11 Sharma, R.S. : *Aspects of Political Ideas and Institutions in Ancient India*, P. 57.

12 Bhandarkar, *Carmichael Lectures*, 1918.

may not be correct to interpret the weak as poor and strong as rich. But there are certain references which give the impression that the kingly office was meant to support the haves against the combined attacks of the have-nots. It is apprehended that in the absence of royal protection the wicked men would forcibly seize the vehicles, robes, ornaments and precious stones and other kinds of property belonging to others. Obviously only the wealthy could own such items of property. If we accept Sharma's contention, then it will mean that the state protected the minority against the majority, because normally property belongs to few persons, the minority. But it should be remembered that the purpose and obligation of the state was to protect not only the minority, but the society as a whole.

In the passages of the *Mahābhārata* kingship is not the result of a bilateral agreement between the people and one of their own, it is the creation of divine will. 'The Hindus', says Charles Drekmer, "unlike the ancient Greeks did not view political authority as the natural consequence of interdependence of men. The state was rationalized in terms suggesting compact, or was said to have been established through the intervention of the gods"¹³.

There was the dread of anarchy which made the state an absolute necessity. Without the state/king, the position of men would be like that of a herd of cattle without the herdsman¹⁴.

MONARCHICAL AND IMPERIAL SACRIFICES: THE DETERMINANTS

There were several sacrifices for obtaining and maintaining royal authority. The *Rājāsūya*, *Vajapeya* and *Aśvamedha* sacrifices have a purely political end in-view. These sacrifices are connected with kingship and paramount sovereignty. The *Agni Purāṇa* uses the term consecrated (*Murdhābhīṣikta*) as a synonym of the king¹⁵, which

13 Drekmer, C. *Kingship and Community in Early India*, p. 245

14 *Mbh. Śānti*, 68.13

15 *Agni* 1.366

suggests that coronation bestows sovereignty on him. The Aitareya Brāhmaṇa records the coronation ceremony of many kings¹⁶.

RĀJASŪYA CEREMONY

The coronation ceremony is called the Rājasūya. "To the king doubtless belongs the Rājasūya, for by offering the Rājasūya he becomes king"¹⁷. This ceremony occupied a significant position in ancient Indian political rituals. It played a pivotal role in deciding the position and status of the king, whether the ceremony was of Vedic or post-Vedic times the central theme remained the same that the king was elected for the royal seat, whether the election was factual or symbolic.

We are here concerned only with the constitutional significance of the ceremony and not with its ritualistic details. The ceremony had several parts. The Rājasūya or coronation itself and post-coronation ceremonies.

RATNAHAVINŚI

Ratnahavinśi (offering of jewels) ceremony had a significant place in the preliminary rituals. The king was regarded as a jewel (Ratna) and the protectors of this jewel were termed Ratnins¹⁸. Various texts give the number of the Ratnins from eleven to thirteen.¹⁹ Whatever the number may be, their list shows that each of them was either a high official or a person of dignity, whether he was a Purohita or an artisan.

THE RATNINS

In the Ratnahavinśi ceremony the king-elect went to the houses of the Ratnins and paid homage to various deities there. The list of Ratnins according to the Śatapatha Brāhmaṇa includes the following²⁰:-

16 Ait. Br. : 8.19.

17 Śat. Br. : 5.1.1.2.

18 Basu, J : India of the Age of the Brāhmaṇas, P. 132

19 Taitt. Sam : 1.8.9. ; Mall. Sam : 2.6.5 ; Kath. Sam : 15.4 ; Śat. Br. : 5.3.1.1-2.

20 Śat. Br. : 5.3.1.1-2

- 1 Senāni- the commander-in-chief of the army
- 2 Purohita - the court chaplain We find that the Brāhmaṇa priest occupies the first place in all the Ratnins lists with the exception of Satapatha Brāhmaṇa, where the Purohita is given the second position In the Aitareya Brāhmaṇa he is called Rāstragopa²¹
- 3 Mahiṣi or the chief queen- The chief queen was indispensable to the king in the performance of sacrifices and religious rites It seems that the Mahiṣi at whose house oblation is to be offered to the goddess Aditi, represents the goddess earth, which like a milch cow and mother sustains men and fulfils all their desires²² The inclusion of the chief queen amongst the Ratnins bespeaks her constitutional status
- 4 Sūta- The Sūta is taken by several writers in the sense of a court minstrel or chronicler²³ This interpretation suits the epic Sūta, but the fact that oblation at his house is offered to Varuṇa for which a sacrificial fee of a horse is prescribed²⁴ shows that this celebrity was a charnoteer K P Jayaswal observes that probably in early times he combined in him some important office other than that of the chronicler²⁵ In the Mauryan civil list of the Arthaśāstra²⁶ he is placed among minor officers
- 5 Grāmaṇi- the head of the village corporation or the township
- 6 Kṣattri (Rājanya) -To the Kṣattri are assigned the meanings of carver and chamberlain²⁷ But perhaps the first meaning is not suitable because this better applies to the Takṣa and therefore, makes this interpretation superfluous in the case of the Kṣattri

21 Ait Br 8 24 28

22 Sat. Br 5 3 1 4

23 Ghoshal U N Studies in Indian History and Culture P 249

24 Sat Br 5 3 1 5

25 Jayaswal K P Hindu Polity Pt 2, P 202

26 As 5 3 91

27 Jayaswal K P Hindu Polity Pt 2 P 202 Keith A B Harvard Oriental Series XVIII 120

He, therefore, should be better taken in the sense of chamberlain who was employed to hold umbrella over the king²⁸.

7. *Samgrāhitr* - the master of the treasury. In the *Arthaśāstra* he is called *Sannidhātr*.
8. *Bhāgaḍuha* - The collector of revenue. In *Arthaśāstra* he is called *Samāhartr*.
9. *Akṣavāpa* - Jayaswal has taken him as the officer-in-charge of state accounts²⁹.
10. *Govikartr* - Master of forests, literally destroyer of beasts.
11. *Pālāgala* - the courier. In his place the *Maitrāyaṇī Samhitā*³⁰ of the Yajurveda gives the *Takṣa* and *Rathakāra*, carpenter and chariot-builder.

There is omission of the *Rathakāra* and *Takṣa* from the list of the *Ratnins* in the *Śatapatha Brāhmaṇa*. Mabbett calls *Ratnins* as palace dignitaries³¹. The *Ratnins* were not only the nobles. Sinha says, "the *Ratnins* of the state seem to have been a heterogeneous body containing persons of different denominations³². In the *Śatapatha Brāhmaṇa* we are told that the *Grāmaṇī* and the herald were non-royal king makers³³. This shows that there were two classes of king-makers viz., royal and those not related to royalty.

The offering to the jewel holders, as Jayaswal puts, is explained by the set phrase in each case "for it is for him that he is thereby consecrated and him he makes his faithful follower."³⁴ The *Ratnahaviṃśi* ceremony, according to Jayaswal involves sacrificer's 'worship' of the personages concerned, including not only the king's

28 Sharma, R.S. : Aspects of Political Ideas and Institutions in Ancient India P. 137

29 Jayaswal, K.P. : Hindu Polity Pt. 2, P. 203

30 Mait. Sam : 2.6.5; Apss : 18.10.17.

31 Mabbett, I.W. : Truth, Myth and Politics in Ancient India, P. 19.

32 Sinha, B.P. : Readings in Kautilya's *Arthaśāstra*, P. 49

33 Śat. Br. : 3.4.1.7.

34 Jayaswal, K.P. : Hindu Polity, Pt. 2, P. 204

wives and ministers but also the headman of the village corporation and the conquered helot³⁵.

Here Jayaswal has misunderstood the ceremony. In fact worship is offered by the sacrificer to the appropriate deities in each case, the king-designate offers oblations to gods for gaining the loyalty of the Ratnins. Thus divine interference was sought for cementing the bond between the new head of the state and the senior civil servants³⁶. The allegiance of every Ratnin was considered to be equally important for the king. It was expected that the newly consecrated ruler would be helped thoroughly in the efficient running of the administration³⁷.

The loyalty of the Senāni (Senapati), the commander-in-chief of the army, one of the vital constituent of the seven-limbed state was an important factor in the establishment of a firm and stable government. The Senapati represented the valour element of the state administration. The Purohita represented the wisdom element of the state administration. The Mahiṣī was considered as the representative of the women of the entire state and the offering to her was a sort of respect paid to the entire woman folk of society. The other Ratnins such as Gṛamaṇi, Sūta, Saṃgrāhitr, Akṣavāpa, Bhāgaduha etc. represented other aspects of state administration.

Jayaswal writes that the Ratnins were high functionaries of the state. In the selection of the functionaries the principle of class and caste representation appears to have been "operated". The Purohita is studiously referred to as Brāhmaṇa only. He symbolizes the Brāhmaṇa. The Kṣattri or Rājanya or the king-elect himself symbolizes the Rajanya or Kṣatriya class. The Gṛamaṇi, called the Vaiśya Gṛamaṇi represents Vaiśya class. The Takṣa and Rathakāra correspond to the Veda's skilful workers in metals and builders of

35 Ibid

36 Sinha, B P : Readings in Kautilya's Arthaśāstra, P. 49

37 Jayaswal, K. P. : Hindu Polity, Pt 2, P 203

chariots. *Palāgala* is taken to be of *Śudra* caste. He further says that the inclusion of *Śudra* in the list of *Rātnins* is a great change from the constitutional point of view. The conquered helot is now worshipped by the man who is going to become king.

Here Jayaswal indicates a hypothesis of the representation of the four classes of society. But it is a debatable question. U. N. Ghoshal says that Jayaswal's contention of class and caste representation attributed to the *Rātnins* is open to objection on various grounds³⁸. He writes that for obvious reasons the statement cannot apply to the two groups, namely, the *Brāhmaṇa*-*Purohita* and the chief queen as well as other queens. While the *Rājanya*, the *Takṣa*, the *Rathakāra* etc. in the list may be plausibly held to be representatives of their corresponding classes and castes, they are shown by their very titles to be members of the royal court and household. Indeed the development of a state administration properly so called in contrast with an ensemble of the king's court and household belongs essentially to the post-Vedic period. The inclusion of the *Śudra* in the list doesn't, as Jayaswal thinks, signify a 'great constitutional change' involving the express recognition of the *Śudra* as a part of society. For already in the *Atharvaveda*³⁹ the wish is expressed to be dear to the *Śudra* as well as the *Ārya*.

Ratnahaviṃśi ceremony was also a sort of check on the power of the king, it signified that he could not act arbitrarily as the strong support of these *Rātnins* was necessary for his own existence. The king openly declared that he counted upon their aid⁴⁰. As these persons have a voice in choosing the king they have been called *Rājakṛtāḥ* or *Rājakartr*- king- makers. They are described as the 'givers' and 'takers'

38 Ghoshal, U. N. : *Studies in Indian History and Culture*, P. 353

39 AV. : 19.32.8

40 Ibid : 3.5.6-7

of the kingdom⁴¹ - Rāṣṭrasya pradātārah ete Pradātārah. It is only with the express consent of the king-makers that a king-designate can ascend the throne i.e., become a king. If they do not accord sanction or do not favour the king-designate he cannot be declared a king. He will have to abdicate in favour of his son or relation chosen by the king-makers. This fact is recorded in clear and unmistakable terms in the Brāhmaṇa texts "only he becomes king", observes the Śatapatha Brāhmaṇa, "whom the (other) kings allow to assume the royal dignity, but not he whom they do not allow to do so"⁴². The same fact is corroborated by the Pancaviṃśa Brāhmaṇa which states, "he, fore-sooth, may be called a king, who is made a king by them i.e., king makers"⁴³.

The Maitrāyaṇī Saṁhitā⁴⁴ states that these (king makers) are the limbs of the king and the kingdom of that king whose Ratnins are vigorous also becomes vigorous. It may be noted that the Ratnins had their independent existence, as they existed before the king came to the throne.

DEVĀṢU HAVIṢĪ : OFFERING TO THE DEITIES

After the jewel offering ceremony the king-designate offers oblations to the gods Savitṛi, Agni, Soma, Rudra, Bṛhaspati, Indra, Varuṇa and the like. Dignified with appropriate epithets they are invoked to endow the sacrificer with various qualifications and various kinds of authority. It bespeaks one or other aspects of royal prerogatives, duties and functions⁴⁵.

41 Taṭṭ Br 173

42 Sat Br 9413

43 Panca Br 191

44 Mait Saṁ 438

45 Sat Br 53311

Deity	Epithet	For
Savita	Satyaprasava	true impulse or righteous energy of the king.
Agni	Gr̥hapati	mastery of the household.
Soma	Vanaspati	protection of forests and agriculture.
Br̥haspati	Vāk	Power of speech.
Indra	Jyestha	supremacy or predominance in matters of administration.
Rudra	Paśupati	protection of cattle.
Mitra	Satya	truth.
Varuṇa	Dharmapati	upholding of Dharma or Law.

In the Black Yaju texts the sacrificer follows with the words, "this kingdom (Rājya) hath verily been conferred".⁴⁶ Explaining the above formula Śatapatha Brāhmaṇa states that thereby Indra Jyestha leads him to Jyesthya (lordship or eminence) and Varuṇa Dharmapati makes him Dharmapati, that truly is Paramatā (supreme state), the

46 Vāj. Sam : 9.39-40; Sat. Br. : 5.3.3.12; Taitt. Sam : 1.8.10; Kath Sam : 15.5.8; Mait Sam : 2.6.6; Apss : 18.12.1.

Śatpatha Brāhmaṇa continues, where one is Dharmapati, for whoever attains Paramatā, to him they come in matters of Dharma

Ghoshal says, 'In the above description it will be noticed that the White Yajus text derives two specific forms or aspects of royal authority, namely lordship and the supreme state from divine favour'⁴⁷ The Black Yajus text more directly derives the kingdom itself from the same source. We find it therefore difficult to agree with the explanation of the foregoing formula given by Jayaswal in another context, viz., that the gods might give him virtues for national rule, but they could not give him kingship of the land '⁴⁸

There were some other forms of authority with which the sacrificer is sought to be invested in the above mentioned formula of "invocation of Divine Quickeners". In a number of parallel texts the priest prays that the sacrificer may be quickened for Amitraṁ (freedom from a foe) or Asapatnam (freedom from a rival) Jyaisthya (lordship) or Ādhipatya (overlordship) and Jānarajya⁴⁹ (man rule, Egging, rule over people, Keith) "If we take the last named term", writes Ghoshal, 'to mean rule over the whole folk as distinguished from a single tribe, we may take it that Vedic monarchy during this period was held at its highest level to involve not only undisputed authority but also rule over a complex of tribes'⁵⁰

APPROVAL OF THE EARTH

The earth is adorned as mother in ancient Indian literature and it is said that like a mother she nourishes the kingdom⁵¹ The symbolic approval of the earth (motherland) is obtained and homage is paid to her.⁵² The King-designate looks at the mother Earth and says, 'O

47 Śat Br 5.3.3.6.9

48 Ghoshal UN Studies in Indian History and Culture, P 309

49 Śat Br 5.3.3.12

50 Ghoshal UN Studies in Indian History and Culture P 310

51 JY 12.1.10 12.1.12 12.1.60 Mbh Anuśāsana, 62.11 62.50

52 Sat. Br 5.2.3.4

mother Earth, injure me not, nor I thee.⁵³ This act is performed lest she should shake him off. Basu has interpreted it as a covenant between the King and the mother Earth.⁵⁴ The homage to the earth means that with her approval the king can exploit the natural resources.

ABHIṢECANIYAM

Abhiṣecaniyam or the sprinkling ceremony was the central ceremony of the Rājāsūya. It comprise of various rituals.

PREPARATION OF WATER FOR THE CONSECRATION

For this ceremony holy waters from different sources consisting of rivers, pools, wells, dew-drops, floods, rain-water, seas etc. are collected and mixed together in a vessel made of the woods of Udumbara tree (*Ficus Glomerata*) and the king is consecrated with these holy waters. Amongst rivers, Saraswatī occupied that position in the Vedic age which is occupied by the Ganges in the post-Vedic age from the point of sanctity. Each type of water symbolizes some power or character of the king. Thus Saraswatī, as we learn from the Śatapatha Brāhmaṇa.⁵⁵ symbolizes speech, gift of the gab, the flowing river symbolizes vigour, flood stands for plenty, sea for domination and the pool or tank for loyalty of the people to the monarch, which would be sincere and harmless. "like the waters of a stagnant pool."⁵⁶ While collecting the waters with sacred formula the name of the person is proclaimed for whose anointment they are gathered. The waters are taken in each case with a poetic formula. "self-ruling, waters ye are bestowers of kingship, bestow ye kingship on X."⁵⁷ The waters are made a sacred source of his sovereign power.

53 Ibid. : 5.2.3.20

54 Basu, J.: India of the Age of the Brāhmaṇas, P. 103

55 Sat. Br. : 5.3.4.21.

56 Basu, J. : India of the Age of the Brāhmaṇas, P. 100

57 Sat. Br. : 5.3.4.21 : 5.3.4.6.

Jayaswal⁵⁸ and Suda⁵⁹ opine that the deities were invoked to endow the potential king with ruling virtues for "national rule", Jānarajya,⁶⁰ for the ruling of the folk, yet the rivers of the land, the waters of India are prayed as 'bestowers of state', to confer the actual status of kingship, Gods might give him virtues for "national rule", but they could not give the kingship of the land it was the right of the waters of the land to do so⁶¹

ABHIŚECANA: CONSECRATION CEREMONY

Four distinct persons sprinkle the waters. In various texts different persons are mentioned. The Śatapatha Brāhmaṇa speaks of Adhvaryu (or Purohita) Sva (King's kinsman or brother), Mitra-Rājanya (friendly Rājanya) and Vaiśya⁶² Taittirīya Brāhmaṇa gives the names of Adhvaryu, Rājanya, Vaiśya and Jānya⁶³ According to Āpastamba Sruata Sūtra the Adhvaryu Brāhmaṇa (or kṣatriya), Vaiśya and Jānyamitra took part in the sprinkling⁶⁴ The Maitrāyaṇī Saṁhitā mentions the names of Brāhmaṇa, Vaiśya, Bhrātrīya and Jānyamitra⁶⁵

Commenting upon the sprinkling ceremony Jayaswal writes⁶⁶ that the besprinkling is twofold (1) by different estates of the realm and (2) by the priest. But Ghoshal⁶⁷ says that there is no question of the priest's anointing the sacrificer.

If we look at the besprinkling ceremony all texts speak of the Adhvaryu, and normally the Adhvaryu was the Purohita (Priest). Here

58 Jayaswal, K. P. *Hindu Polity*, Pt. 2, P. 207

59 Suda, J. P. *Ancient Indian Political Thought and Institutions* P. 42

60 Taitt. Br. 1.7.6.7

61 Śat. Br. 5.3.5.11-14

62 Ibid.

63 Taitt. Br. 1.7.8.7

64 Apss. 15.16.1.5

65 Mait. Sam. 4.4.2

66 Jayaswal, K. P. *Hindu Polity*, Pt. 2, P. 208

67 Ghoshal, U. N. *Studies in Indian History and Culture*, P. 316

Ghoshal's contention cannot be accepted that the priest did not take part in anointing.

Jayaswal at one place remarks that in the White Yajus the Śudra is absent and the kinsman seem to be a tautology. He then observes that Jānya of the Taittirīya Brāhmaṇa list stands for the Śudra, in the sense of a man of the hostile tribe as in the Aitareya Brāhmaṇa,⁶⁸ as originally he was.⁶⁹ But as Ghoshal puts that Janyani is equated not with the hostile tribes meaning Śudra, but with the king's rivals, who vie with and hate him, some of whom presumably were men of the kṣatriya caste, Jānyamitra means a friend from a foreign country.⁷⁰ If Jānyamitra means a friend from a foreign country then why Ghoshal calls him as the rival who hates the king-designate.

The relevant texts don't support the case for the Śudra's participation in the besprinkling ceremony. It can be inferred from the above discussion that the three Varnas (classes) took part in the besprinkling ceremony. The participation of the Jānyamitra (a friend from a foreign country) probably indicates the importance of the foreign ally for the Vedic state, thus anticipating the Suhrt (ally) of the seven limbs of the state of the Arthasāstra-Smṛti polity of later times. We may conclude that the besprinkling ceremony of the Rājasūya represents not as Jayaswal thinks, the single representation of estates, but rather the combination of this principle with that of political alliance of the Vedic state.

The Śatapatha Brāhmaṇa,⁷¹ explaining the result of the besprinkling by the Brāhmaṇa, Sva (King's kinsman) and the Rājanya, states that the sacrificer is thereby sprinkled (endowed) with priestly dignity, with sustenance and with support. According to the Taittirīya Brāhmaṇa⁷² the Brāhmaṇa endows him with priestly dignity, the

68 Ait. Br. : 8.26

69 Jayaswal, K.P.: Hindu Polity, Pt. 2, P. 208

70 Ghoshal, U.N. : Studies in Indian History and Culture, P. 3 17

71 Śat. Br. : 5.3.5.11-14.

72 Taitt. Br. 1.7.8.7

Rājanya with vigour and food, Vaisya with abundance and the Jānya is the means of gaining him friends. Consecration was regarded as new birth of the king-designate.

Jayaswal argues that it is only after the sprinkling stage that he is called king, that is, only when the ceremony is complete, he becomes invested with the royal office and powers, before that he is only an ordinary citizen.⁷³ Ghoshal does not agree with this view. He points that if this were so, the consecration of the king would be an act of profound constitutional importance for the reason of investing a private citizen with the royal status. Now although, it is a fact that the sacrificer is presented to the assembled folk only after his consecration, the authoritative texts of the Yajus as well as other schools leave us in no doubt that the performer of the Rājasūya already had a ruler's status.⁷⁴ From the Śatapatha Brāhmaṇa we learn that Rājasūya is meant for the king and by performing the Rājasūya he becomes king.⁷⁵ Hence, Ghoshal's contention that the performer of the Rājasūya already had a ruler's status does not stand.

It can also be asked that if only the waters are bestower of kingship, as Jayaswal puts, then why it is said that the people 'elect you for kingship' and then why there are the king makers, the Rājakartārs. Jayaswal himself writes that the king originally took the Jewel of authority from all the folk present including artisans. He accepts his office from the people and the king-makers. In fact, in theory at least the office of the king was a creation of the people.⁷⁶

According to R. S. Sharma⁷⁷ the Abhiṣecana rite corresponds to that of purification prescribed in almost all important Saṃskāras (rituals)

73 Jayaswal, K.P. *Hindu Polity*, Pt. 2, P. 200

74 Ghosal, U.N. *Studies in Indian History and Culture*, PP. 302-303

75 Sat. Br. 5.1.1.2

76 Jayaswal K.P. *Hindu Polity*, Pt. 2, P. 195-196

77 Sharma R.S. *Aspects of Political Ideas and Institutions in Ancient India*, P. 150

laid down in the Gr̥hyasūtras. But from the Abhiṣecana Mantra⁷⁸ it is clear that it was not meant for the purification of the person concerned, rather it refers to various types of government for which the king-elect is consecrated.

INVESTITURE AND ANNOUNCEMENT

Abhiṣecana is followed by investiture and announcement. The Adhvaryu (priest) strings a bow and hands over the same to the king with three arrows. The bow is a symbol of strength, vigour and government. The priest says, "the bow is a symbol of king's strength of military power and I shall consecrate him after he attains strength."⁷⁹ Having strength and vigour the king is to protect the people. After the investiture, announcement - Āvid- is made. The people and various deities are informed that the king is consecrated with their approval.

KING, THE PRECIOUS TREASURE : PROTECTION BY THE PEOPLE

At the close of the Āvid ceremony the king figuratively mounts the four quarters and the zenith to symbolize his assumption of universal sovereignty.⁸⁰ Brahma, Kṣatra, Viś and (instead of Śudra) dyads of objects (or attributes) are invoked successively to protect the sacrificer. These last are stated to be Phala and Varchas (fruits and lustre) in Vājasaneyī Saṁhitā. Puṣṭam and Phalam (abundance and fruit) in Kāthaka Saṁhitā. Evidently, taking Phala to stand for the Śudra, Jayaswal traces in the above explanation a point of the greatest constitutional import, viz., that the king is to be protected by the four estates of the realm.⁸¹ Ghoshal says that Jayaswal's interpretation of Phala as Śudra is not supported by any evidence. On the other hand, the pairs "fruit and lustre", "abundance and fruit" (about which Jayaswal is significantly silent) evidently show that they

78 Ait. Br. : 8.15

79 Sat. Br. : 5.3.5.30.

80 Vāj. Saṁ. : 10.10.14; Taitt. Saṁ : 1.8.13; Kath. Saṁ : 15.7; Mait. Saṁ : 1.16.10

81 Jayaswal, K.P. : Hindu Polity, Pt. 2, P. 211

belonged to the same category. In fact, the king is repeatedly held in the Yajus Samhitās and Brāhmaṇa texts to be invested with abundance, prosperity and like by virtue of sacrifice. The ceremony, therefore, has the significance of symbolizing the influence of the three higher castes alone upon the Vedic Polity.⁸²

The term Phala is translated by Ghoshal as fruit. A question that arises is, what is the necessity of putting fruit (Phala) with the Brahma, Kṣātra, and Viś. It is said that the Brahma protects the king in the East, Kṣātra in the South, Viś in the West and Phala in the North. It does not make any sense in saying that fruit protects the king in the North. In the above circumstances Jayaswal's contention (Phala meaning Sudra) can be upheld.

R.S. Sharma interprets the above ceremony in the following words, "It implies the conception of territorial sovereignty. This sovereignty was further accompanied by the assertion of royal authority over people of different social classes. For, in the accompanying formula Brāhmaṇas, Kṣatriyas and Vaiśyas and some others, whose identity is difficult to establish, are invoked to extend their protection to the sacrificer."⁸³

CORONATION OATH

After the Āvid proclamation "Aindra-Mahābiseka' ceremony takes place.⁸⁴ Jayaswal believes that the king-elect is unanimously regarded to have taken a vow (Dhṛta Vrata) before he is seated on the throne. The Indra-ceremony of Aitareya Brāhmaṇa was universally adopted, as the testimony of later books and practices prove. It is therefore simply alluded to and not repeated in other Brāhmaṇas.⁸⁵

82 Ghoshal, U N. : Studies in Indian History and Culture, P. 315

83 Sharma, R S : Aspects of Political Ideas and Institutions in Ancient India, P 151

84 Sat. Br. : 5 3 5 2.

85 Jayaswal, K P. : Hindu Polity, Pt. 2. P. 210

The oath (vow) as given in the Aitareya Brāhmaṇa is in the following terms⁸⁶ : "Let the Kṣatriya be sworn through this great coronation of Indra ritual". He is to take it with faith "Saha Śraddhāya"-, "between the night I am born and the night I die, whatever good I might have done, my heaven, my life and my progeny (Prajā) may I be deprived of, if I oppress (injure) you." The promise by the oath was made to the officiating priest. Jayaswal takes the priest to be the representative of the whole society. In a footnote in his "Hindu Polity", he expresses his views that the Brāhmaṇa is the mouth-piece and representative of the entire society throughout the Epics. The sanction in the case the oath being broken came from the entire community and not from the Brāhmaṇas only.⁸⁷ According to Ghoshal "Yadi me druhyeyam and Yadi te druhyeyam", uttered by the priest and the Kṣatriya respectively in the text mentioned are conclusive evidence of the fact that the beneficiary of the oath is not the body of the subjects but the individual priest.⁸⁸ R. S. Sharma argues that by no stretch of imagination a member (the priest) of one social class, however pre-eminent can be taken as representing the interests of all other classes. It was a pledge to the priest to whose ideological support he owed his power.⁸⁹

H. N. Sinha referring to the oath in Aitareya Brāhmaṇa writes that the king solemnly addresses the priest to the effect that he would not play him false. That is to say, his conduct as also that of his government will be in conformity with the Brahmanical religion.⁹⁰ Altekar rejecting Jayaswal's contention says that the text and the content of the oath, however, make it quite clear that it was an oath by which the king bound himself not to do harm to the priest in view of the sacred powers which he invoked at the time of the coronation for the

86 Ait Br. : 8.15

87 Jayaswal, K.P. : Hindu Polity, Pt. 2. P. 211

88 Ghosal U.N. : Studies in Indian History and Culture, p.330

89 Sharma, R.S.: Aspects of Political Ideas and Institutions in Ancient India, pp. 156-157.

90 Sinha, H.N. : Sovereignty in Ancient Indian Polity, p. 50

prosperity and safety of the king⁹¹ He further says that there is nothing in the texts or their contexts to show that the officiating priest was regarded as a representative of the society In later times, however, the king was formally required to take an oath at the coronation that he would never transgress the provision of Dharma Altekar quotes Prthu's oath as an example, and he points out that what was to be done if this vow was not kept is nowhere indicated⁹²

Altekar and Sharma say that the priest cannot be regarded as representing the interests of all other social classes or the whole society We would like to argue that if the priest is called Rāstragopa,⁹³ protector of the nation/kingdom then why he could not be regarded as the representative of the society in connection with the coronation oath The person who shoulders the responsibility of protecting the nation can be called the representative of the people Further, Altekar has quoted Prthu's oath from the Mahābhārata, but he does not quote the dictum of the Mahābhārata where it is said that the king who fails to keep his vow of protecting the people should be mercilessly slain like a mad dog⁹⁴ Here though the procedure of punishment is not prescribed, yet we may infer that it would result in public uprising because a tyrannical rule (breaking of the vow and acting according to one's own whims) would not be endured by the people

Charles Drekmer, commenting upon the coronation oath of Prthu says that it limited royal authority to the protection of the people, maintenance of customs and punishment, and made the king subject to the laws of the realm Failure to carry out responsibilities was as grave as misuse of authority and the unlawful use of power⁹⁵

91 Altekar, A S *State and Government in Ancient India*, Pp 78 79

92 Ibid

93 At Br 8 24 28

94 Mbh Anuśāsana. 61 32 33

95 Drekmer C *Kingship and Community in Early India*, P 141

The Vedic king in his oath uses the term *Prajā*, "May I be deprived of my *Prajā*."⁹⁶ Altekar, Jayaswal and other writers on Hindu polity have taken the term *Prajā* to mean progeny. But why we should not take it to mean subjects, because in ancient Indian literature and tradition the term *Prajā* is used both for progeny and the subjects.⁹⁷ The king deprived of his *Prajā* means that he will lose their allegiance which is one of the most powerful factor in sustaining royal authority.

RĀJAPADADĀNA : VESTING OF SOVEREIGNTY

Just before the king-elect ascends the throne the priest sprinkles water over his head and introduces him to the people as their king.⁹⁸ Then follows the *Rājapadadāna* ceremony. The king-elect is addressed in these words⁹⁹-

"To thee this state is given, thou art the director and regulator, (of the state or responsibility), to thee (this state is given) for agriculture, for well-being, for prosperity, for development". It is said that by this formula sovereignty is vested in the man. He is endowed with royal authority. Commenting upon this act Jayaswal writes that it is this sacred act of delivering the trust that kingship depended upon, and not on any other principle, such as that of succession or inheritance. It is not a gift, it is a trust, and a trust made sacred by the most sacred rites.¹⁰⁰

According to Ghoshal, Jayaswal's argument is based upon his forced rendering of the relevant passage in *Vājasaneyī Saṁhitā* (to thee the state is given). To this we may add that the closing sentence of *Śatapatha Brāhmaṇa* extract quoted above "thee for the welfare", affords no justification for Eggling's addition (within brackets) of the words "of the people". In the result it follows that Jayaswal's theory of kingship as a public trust is not warranted by the Vedic texts on

96 Ait Br. : 8.15

97 Basham, A.L.: Aspects of Ancient Indian Culture, P.19

98 Vaj. Saṁ : 10.40

99 Ibid: 9.22; Sat. Br. : 5.2.1.25.

100 Jayaswal, K. P. : Hindu Polity, Pt. 2, P. 216

coronation ceremonies¹⁰¹ Ghoshal's contention cannot be sustained. The Rājapadādāna ceremony implies that the king elect is not the owner of that authority, rather a trustee to whom the authority is handed over, not for anybody's exploitation or self-aggrandisement, but for the promotion of peace and prosperity of the nation.

POST-ABHIṢEKA CEREMONIES

In the post-Abhiṣeka ceremony the king's person is touched on the back with a rod¹⁰². Explaining this ceremony the Śatapatha Brāhmaṇa observes that the king is exempt from punishment. According to the Kātyāyana Srauta Sūtra¹⁰³ the priest thereby cleanses him from sin, or else carries him beyond death. The significance of this rite has been understood differently by different scholars. According to Weber it indicates the height of priestly authority. On the other hand while characterizing the explanation of Śatapatha Brāhmaṇa as an amusing piece of euphemism', Jayaswal opines that the rod is the symbolic "sceptre of justice", hence the action conveys the idea that the king was not above, but under the law and in this context he quotes Manu¹⁰⁴.

Ghoshal accepts it as a ceremony of king's purification or acquisition of special privileges, not that of priestly domination. He says that it seems doubtful how far the significance of Daṇḍa as a symbol of justice so well known to the Smṛtis and Arthasāstra polity, can be traced back to the Vedic times. What seems certain is that the Śatapatha Brāhmaṇa passage, partially supported by Kātyāyana Srauta Sūtra texts, claims for the king the exceptional privilege of immunity from punishment, a claim which does not appear to be justified by any other text and is afterwards denied in the Smṛti and the Arthasāstra polity¹⁰⁵.

101 Ghoshal U N Studies in Indian History and Culture, P 335

102 Śat Br 5.4.4.7

103 KSS 47.6

104 Jayaswal K P Hindu Polity, Pt. 2 P 217 Manu 7.16

105 Ghoshal, U N Studies in Indian History and Culture, P 319

According to R. S. Sharma this ceremony seems to indicate that it was meant to test the endurance of the king. In later times the priests in theory seized this ritual to assert their power over the king but in practice it came to be interpreted as the king's exemption from the operation of law.¹⁰⁶

The above ceremony has no relation with the king's purification. In ancient India in all the sacraments purification was done by the means of water. The king's immunity from punishment is questionable. If it was so then why there was the provision of punishment, dethronement and re-instatement of the king on the throne in the Vedic and Brahmanical texts.¹⁰⁷

HOMAGE: THE ELEMENT OF OBEDIENCE

Amongst the post Abhiṣeka ceremonies homage and its symbolic acknowledgements are very important. The king sits on the throne and different classes offer their homage to him. The king is thus made powerful through the strength of the whole people.¹⁰⁸ The superiority which is given to the king by the whole nation including the Brāhmaṇa makes him legally superior to all classes and castes.

Then a priest offers a sacrificial sword to the king, who passes it on as a symbol of authority to all the state officers and the village-headmen, and demands their co-operation saying, "Tena Me Rādhyā"¹⁰⁹ "Rule for me therewith or serve me therewith".¹¹⁰ Thus, the essential element, the element of obedience sustaining the royal authority is emphasised here.

The act of paying homage is followed by a game of dice, where a cow is staked on the gaming ground by a tribesman of the king.¹¹¹ This

106 Sharma, R.S.: *Aspects of Political Ideas and Institutions in Ancient India*, P. 152

107 Ait Br. : 3.3.4; Sat. Br. : 12.9.3.1.

108 Sat. Br. : 5.4.4.15

109 Ibid. : 5.4.4.15-19

110 Jayaswal, K.P. : *Hindu Polity*, Pt. 2., P. 218

111 Sat. Br. : 5.4.4.20-25.

symbolizes the assertion of the royal sacrificer's rule over the common free man

Then there is the chariot-race- *Ajdhāvana* in the Vedic period and other suitable festivals in later times. The chariot goes round all the directions within the sacrificial campus bespeaking victory of all the quarters.¹¹² R. S. Sharma opines that the chariot race forms a part of the *Vājapeya* sacrifice, by performing which a *ksatriya* attains universal sovereignty. The chariot-race, although a product of a developed social stage seems to have been an older test for proving the king's superiority in valour and physical power, it was intended to detect the military qualities of the king or the chief of the tribe. Later, it became mock-race in which the form continued but the substance was given up, for, the king was deliberately made to win the race.¹¹³ But Sharma's contention that the chariot-race was for proving the valour and prowess of the king cannot be accepted. If it was so, why it had a place in post *Abhiṣeka* ceremonies. It should have been put before the coronation ceremony began. There is no need for testing physical strength of the person who has been already enthroned.

A CRITICAL APPRAISAL OF THE CORONATION CEREMONY

An analysis of the coronation ceremony shows that there are many significant points to be noted. The ceremony had a profound impact on the minds of men. Without its performance the person (king-designate) could not be called a king. Until the completion of the *Rājasūya* sacrifice *Puśyamitra* had styled himself only as *Senāpati*.¹¹⁴

ELECTIVE NATURE OF KINGSHIP

It is learnt that Hindu kingship was elective in spirit if not in form. Modern scholars of ancient Indian polity have different opinions about the elective nature of the king. N. C. Bandopadhyaya says that

112 Basu J. *India of the age of the Brāhmaṇas*, P. 102

113 Sharma, R. S. *Aspects of Political Ideas and Institutions in Ancient India*, pp. 154-155

114 *Mālvikāgnimitra* Act 5

in all cases of succession to the throne, the people assembled and selected their kings¹¹⁵ such as Śāntanu, Vicitravīrya etc. Jayaswal writes that Rudradāmana and Harṣa are said to have been elected by their people. Gopāla of Pāla dynasty of Bengal claimed that he was elected by the people.¹¹⁶ According to J. P. Suda it is very unlikely that the people as a whole assembled and elected the king. The kings like Śāntanu and Vicitravīrya were chosen not by the whole mass of the people, but by their leaders.¹¹⁷ Suda again says that Jayaswal contends that the ancient Hindu kings were elected by the whole people but he does not cite convincing arguments to support his thesis. One hymn of the Atharvaveda is not a sufficient proof.¹¹⁸ Altekar argues that it is very likely that not the whole population but its leaders like Kulpatis and Viśpatis had a voice in the election of the king; people in general like the Curiae in Rome, may at the utmost have ratified the choice of Viśpatis.¹¹⁹

N.K. Siddhanta puts his views that Zimmer's ideas about elective monarchy have been disputed, and the Vedic Index agrees with Geldner in taking the passage in question (RV. X.124, 173; AV. I 9; III 4; IV 42) in the sense of acceptance by the subjects not as choice or election.¹²⁰ Same views are put by Charles Drekmiere.¹²¹ According to Beniprasad, "No actual instance of election of the king is anywhere recorded. When choice seems to be referred to in benedictions and prayers, it only signifies acceptance."¹²²

I.W. Mabbett is of the view that the evidence for election of king or for the dependence of kings on populace does not demonstrate much

115 Bandyopadhyaya, N. C.: Development of Hindu Polity and Political Theories. P. 204

116 Jayaswal, K.P. : Hindu Polity, Pt. 2. P. 230.

117 Suda, J. P. : Ancient Indian Political Thought and Institutions P. 45.

118 Ibid

119 Altekar, A.S. : State and Government in Ancient India, P. 80

120 Siddhanta, N.K. : The Heroic Age of India, P. 175

121 Drekmiere, C: Kingship and Community in Early India, P. 83

122 Prasad Beni: State and Government in Ancient India, P. 39.

beyond the contents of ceremonial invocations. Various Vedic passages have been cited, and these seem to support two claims, that the Rājās had the approval of the people, and that the Ratnins were the 'king-makers', they elected or appointed the Rājā. Such passages show perhaps that the Rājās hoped for the approval of their fellow tribesmen, and suggest that some had sought it, as we can imagine any political, religious or military dignitary doing. But the passages do not show that there were democratic elections.¹²³

Jogiraj Basu, referring to the Devāsura Saṁgrāma, writes that it proves the emergence of kingship by election at the time of emergency or national calamity and the function of that king was more that of a military commander than of a constitutional ruler. Naturally the first king had to be elected, but for that reason it should not be inferred that kingship was elective in character.¹²⁴

The learned authors have put their views in different manners. Some totally deny the elective nature of kingship. Some say that the king was elected by the people, while others deny it and propound that he was elected by the leaders of the community. Whatsoever may be their views, the relevant passages clearly show that the people had their voice in the election of the king. In the Ṛgveda it is stated that the subjects have chosen you their king "Ta imā viśo na rajānamvṛṇa"¹²⁵ The Atharvaveda says that the subjects have chosen you (king) to rule over them, "Tvam viśo vṛṇati rājyayā", and all people want you, "Viśastva sarva Vāṇchantu"¹²⁶ According to Āpastamba, Baudhāyana and Kātyāyana the term Viś is used for the people. Altekar and Suda have doubts regarding the participation of the whole people in the election of the king. Here we must keep in our mind that there can be no single instance when the whole people can elect their ruler. Even in modern democratic set-up all the people

123 Mabbett I. W. *Truth, Myth and Politics in Ancient India*, P. 19

124 Basu J. *India of the Age of the Brāhmanas*, P. 85

125 RV. 10.173

126 AV. 3.4.2.6.87.1

(whole population) of a state are not the voters and even amongst the voters all of them do not exercise their right to vote, yet we say that Mr. X is elected by the people. Here we should take into account not the letter but the spirit underlying it.

Gradually, the system of election gave place to hereditary kingship and normally the rule of primogeniture was followed. But the memory of the elective kingship still lingered in the minds of the people.

KINGSHIP, A HUMAN INSTITUTION

The Hindu kingship was a human institution. There is no trace of the king's descent from the Gods. It was at a much later date in the era of the Smṛtis that the theory of the divinity of the king became popular. This was done with a view to strengthen his position and prestige. The king derived his authority to rule over the people not from God but from the people. Divinity was associated with the person of the king only in a functional way. The king was one of the organs of the seven-limbed state and not the state itself. Kingship was an office of the state, which had to work in co-operation with other offices of the state.

KING'S AUTHORITY NOT ARBITRARY

The coronation ceremony implies that king's authority was not arbitrary. The coronation oath had a profound impact in keeping the king within limits. Different and contradictory views have been expressed by the writers of ancient Indian polity regarding the coronation oath. Jayaswal quoting various texts says that the king is unanimously regarded to have taken a vow (Dhṛta-vrata) before he is seated on the throne.¹²⁷ Ghoshal totally rejects Jayaswal's views. He writes that in some of the ceremonies beginning with the king's

¹²⁷ Jayaswal, K.P. Hindu Polity, Pt.2. P. 210; Vaj. Sam : 10.27; Taitt. Sam : 1.8.16; Taitt Br. : 1.7.10.2; Ait Br. : 8.18

enthronement and ending with the game of dice, Jayaswal has sought to find a number of allusions to the king's coronation oath which he thinks is fully stated in the *Aitareya Brāhmaṇa* an account of the Great Consecration of Indra Jayaswal's arguments are open to criticism on the following grounds¹²⁸—

Firstly, so far from the texts being unanimous on the points the *Śatapatha Brāhmaṇa* v 4 4 5 alone by a bold effort transfers the epithet *Dhr̥ta-vrata* from the divine *Varuṇa* to the human king Secondly, in making this transference the *Śatapatha Brāhmaṇa* interprets *Dhr̥ta-Vrata*, not in the constitutional sense of the king's observance of his coronation oath, but of his being the embodiment (alongwith the learned *Brāhmaṇa*) of righteousness Thirdly, the *Dhr̥ta-vrata* formula in all the texts is uttered not before, but after the king's ceremonial enthronement, and the phrase itself appears to be properly translated with Eggeling as 'upholder of the sacred law' Fourthly, the point of the *Taittirīya Brāhmaṇa* text quoted above, namely, that the king is thereby made *Savitṛi Satyasava*, *Indra Satyaujah* and *Varuṇ Satyadharma* is rendered somewhat nugatory by the following passage, where we read that *Varuṇa* is *Satya* (truth) and *Anṛta* (falsehood) and the priest thereby wins for the king both these attributes Lastly, there is no warrant for interpreting *Satya* of the above passage in the constitutional sense of coronation oath

Ghoshal has gone very far in stretching the meaning of *Dhr̥ta vrata* *Vrata* means a pledge/vow and *Dhr̥ta vrata* means to take a vow, and for the king it is the coronation oath Ghoshal writes, that *Dhr̥ta vrata* formula in all the texts is uttered not before, but after the king's ceremonial enthronement But it is to be kept in mind that without the oath coronation ceremony is not complete, and it makes no difference whether it was taken before of after enthronement

The oath was to be taken whole heartedly As the *Aitareya Brāhmaṇa* enjoins that the oath should be taken with faith, so in the

Mahābhārata, it had to be pronounced without any reservation. King Prthu took a vow saying "I will see to the growth of the country regarding it as the lord himself. Whatever law there is and whatever is dictated by ethics and whatever is not opposed to politics, I will act accordingly, unhesitatingly, and I shall never be arbitrary."¹²⁹ Tending of country was the foremost solemn obligation of the sovereign. The oath had a profound impact in actual life. Having once uttered this oath it was impossible to forget it and those who forgot it met with its consequences.¹³⁰ If he failed to maintain the integrity of the state, he was considered guilty of breaking his vow. "Bṛhadratha Maurya", as quotes Jayaswal, "who was weak as a ruler and during whose reign the Greeks made a second attempt for conquering India, was removed from the throne, and was called (by Bāṇa) weak in keeping his vow - Pratijñā - durbala."¹³¹

PARAMOUNT POSITION OF LAW

The paramount position of law kept the king within his limits. Suda states that what kept the ancient kings on the path of rectitude and prevented them from becoming despotic and autocratic was their acceptance of law or "Dharma" as the supreme authority to which they were as much subject as the ordinary citizens.¹³² In ancient India the importance of Dharma as an all-embracing institution and the king's duty to maintain it has been sedulously fostered, so much so that it became psychologically well-nigh impossible for the king even to think of over-riding its dictates. Daṇḍa was personified as a deity which might strike down the king himself.¹³³ In this way the idea that the kingly office was a trust and that the king should discharge his duties according to the dictates of the Śāstras acted as a powerful

¹²⁹ Mbh. : Śānti. 59.106-107.

¹³⁰ Jayaswal, K.P. : Hindu Polity, Pt. 2, P. 229.

¹³¹ Ibid

¹³² Suda, J.P. : Ancient Indian Political Thought and Institutions, P. 47.

¹³³ Manu : 7.8.

lever to prevent the king from becoming a despot and ruling tyrannically

TRIBAL AND TERRITORIAL CHARACTER OF KINGSHIP

During the ancient period monarchy was generally in the tribal stage. The Ṛgvedic king (Rājā) ruled over his people or Jana and was therefore called their protector-Gopa Janasya or Gopati Janasya. According to R S Sharma the term Gopa or Gopati signify that human headship over the herds of cattle was gradually extended over the tribe or the people.¹³⁴ In the Devāṣuḥaviṁśī ceremony, according to all texts, desire is shown for different kinds of authority, two of which namely, 'Kṣatra' and 'Jānarājya' are mentioned by all authorities.¹³⁵ The first means chiefdom or simple authority over the people, but the second has been variously interpreted as rule over man, people or nation. Ghoshal thinks that it means rule over the whole folk as distinguished from rule over a single tribe.¹³⁶ But the use of the term Pacajānaḥ in the Vedic literature in the sense of five tribes is well-known. Hence Jānarājya probably means desire to rule over the tribe to which the king belongs. According to Kātyāyana the king was the king of the people as the territory was not fixed but fluctuating.¹³⁷ It is also evident from the proclamation made- "Oh people, this is your king."¹³⁸

In the latest portion of the Ṛgveda, the king is asked to uphold the Rāṣṭra or Kingdom.¹³⁹ Thus, it can be seen that the territorial element was now emerging. In the Kuru-Pāṇḍala country the place where the royal seat was situated came to be known as the capital or Āsandivat. A passage from the Taittirīya Saṁhitā that the king is announced in

134 Sharma, R S Aspects of Political Ideas and Institutions in Ancient India, P 267

135 Vaj Saṁ. 10 40, Mait Saṁ 1 16 6 Tait Saṁ 1 18, 10 Kath Saṁ 15 5

136 Ghoshal, U N Studies in Indian History and Culture, P 310

137 Kss 15 96-97

138 Śat Br 5 3 3 12, Apss 18 12 7

139 RV 10 173

this, tribe (Viś), in this kingdom (Rāṣṭra),¹⁴⁰ shows that the tribe and the geographical region occupied by it were becoming co-eval. The same text adds that the partial performance of a ritual enables the king to attain the people (Viś) but not the Rāṣṭra, which can be achieved only by its full performance.¹⁴¹ This, as R.S. Sharma puts, indicates an awareness of the growing distinction between the tribal polity and the territorial state. Further, a ceremony symbolizes the sovereignty of the king over the four quarters and the zenith.¹⁴² The Aitareya Brāhmaṇa enumerates ten forms of government prevalent in different parts of the country which shows that government was established in fixed areas.¹⁴³ The Śatapatha Brāhmaṇa calls the king Rāṣṭrabhīrt or sustainer of the kingdom.¹⁴⁴

VAJAPEYA SACRIFICE

The term Vajapeya is explained as drink of strength, Vāja means strength and Peya drink.¹⁴⁵ The Taittirīya Brāhmaṇa states that Indra attained Svarājya and with it the lordship (Jyaiṣṭhya) of the gods by performing the Vajapeya; among human beings he who (knowing this) performs the Vajapeya attains Svarājya and becomes the chief of equals.¹⁴⁶

Regarding the difference between the Rājasūya and the Vajapeya sacrifices it is said that one becomes king by performing the Rājasūya, whereas by the performance of the Vajapeya, one becomes a Samrāt or emperor. A Rājā (king) longs to be a Samrāt (emperor). The emperor never desires to become a king because kingship is inferior and emperorship is supreme.¹⁴⁷ Basu writes that the two authorities, Śatapatha Brāhmaṇa and Kātyāyana Srauta Sūtra prove

140 Taitt. Saṁ 1.8.12

141 Ibid : 2.3.1.

142 Vaj. Saṁ : 10.14; Taitt. Saṁ : 1.8.13; Kath. Saṁ : 15.7; Mait Saṁ: 2.6.10.

143 Ait Br. : 8.12-13

144 Śat. Br. : 9.4.1.1.

145 Ibid. : 5.1.5.25

146 Taitt. Br. : 1.3.3. 2-3

147 Sat. Br. : 5.1.1.3

the superiority of the Vājapeya to the Rājasūya but they do not, however, make any categorical assertion that the Rājasūya must be performed prior to Vājapeya¹⁴⁸ While making this statement the learned author has failed to take into account the assertion of Śatapatha Brāhmaṇa¹⁴⁹ where it is distinctly stated that in the hierarchy of kingship the position of a Samrāt is higher than that of a Rājā. It is a natural process of ascent when a king aspires to be an emperor, but the reverse order is a process of descent. One could not perform the Rājasūya after performing the Vājapeya.

ASVAMEDHA SACRIFICE

The highest aspiration of an ancient Indian king was to attain supremacy amongst all the kings and the status of a Cakravartin or universal sovereign. The king's relationship to territory (Bhūmi and Pṛthvi) is indicated in his titles Śārvabhaūma and Pārthiva¹⁵⁰. One's own kingdom was called Pṛthvi but Sarvabhūmi denoted the whole country¹⁵¹. The title Sakalavaninatha¹⁵² meant lord of the whole land, which of course meant India. Those rulers who were not content with Rājya and Samrājya but aspired to be unrivalled paramount sovereign termed Śārvabhaūma had to perform the Aśvamedha¹⁵³. The Śatapatha Brāhmaṇa observes, one who performs the Aśvamedha conquers all quarters¹⁵⁴. The paramount sovereign is called Caturāṅto Rājā¹⁵⁵, and Cakravartin¹⁵⁶.

The Śatapatha Brāhmaṇa¹⁵⁷ calls the Aśvamedha the king of sacrifices and the Taittirīya Brāhmaṇa¹⁵⁸ praises it as 'the universal lord of

148 Basu, J. India of the Age of the Brāhmaṇas. P. 92

149 Śat Br. 9.3.4.8

150 Pāṇini 5.1.4.42

151 Brhat Sam. 11.58

152 Ibid. 68.18

153 Mbh. Ādi. 69.45-47

154 Śat Br. 13.12.3

155 AS. 1.64.6.1.17

156 Ibid. 9.1.18, Mbh. Śānti. 12.25

157 Śat Br. 13.2.2.1

158 Taitt Br. 3.8.3.3

sacrifices'. Before the actual performance of the *Āśvamedha* the sacrificial horse is let loose to roam over the whole county from place to place bearing certain marks on its person and with its attendants so that the people and the rulers of other states can easily recognize it to be a sacrificial horse. It is a challenge to all the contemporary ruling chiefs, princes and monarchs. If anyone seizes the horse it means he opposes or stands in the way of the sacrificer attaining paramount sovereignty. In that case the attendants of the horse fight with the person who seizes the horse. If they fail to defeat him and to win back the horse the sacrificer cannot perform the *Āśvamedha*.¹⁵⁹ The wandering of the sacrificial horse over the territory unchallenged confirms the complete sovereignty of the victorious king. Various sources furnish a long list of kings who performed *Āśvamedha* sacrifice.¹⁶⁰

The performance of sacrifice was a sign of wealth and therefore glory, and it is significant that a king's glory was reflected by the particular sacrifice that he performed. It was the sacrifice that was held to establish his special majesty.

SYMBOLS OF ROYAL AUTHORITY

The emblems of sovereignty in the *Bhāgavata* are given as the *Cāmarā*, *Vyajana*, (fans) *Śankha* or conch-shell, *Chatra* or Umbrella, the Crown, *Simhāsana* or throne, *Śayanā* or couch.¹⁶¹ A passage in *Harṣacarita* indicates that besides the umbrella there were three other royal emblems- the *Simhāsana* or lion-throne, a peculiar *Śayana* or couch and *Āsandī* or chair (throne).¹⁶²

159 Apss : 20.1.23

160 Mbh. : Śānti, 94.197; *Bhāgavata* : 10.6.4.: 3.4.17; *Mālavikāgnimitram*: Act. 5; Agni: 210.505; Brahma: 10.9:10.13: 12.18; Kurma : 4.110. 118; Udaigiri Cave Inscription of Chandragupta II. L5 Quoted by, Mookerjee, R.K. : *Fundamental Unity of India*, P. 95; 1A: 7. P.35; *Epigraphia Carnatica*: 7.SK 178. Quoted by Mahalingam, T.V.: *South Indian Polity*, p. 25.

161 *Śrīmad Bhāgavata* : 10.26.61.

162 *Harṣacarita* : P. 103; Quoted by Prasad, Beni : *State and Government in Ancient India*, P. 354.

THE THRONE

The throne is called Āsandī. It is a symbol of royal dignity and power. The Śatapatha Brāhmaṇa calls it a symbol of domination,¹⁶³ Rāṣṭram Vāsandī. Imperial dignity is established on a throne.¹⁶⁴ The ascent to the throne as a symbol of kingship is mentioned in the Atharvaveda¹⁶⁵ where the throne is most felicitously described as the highest point of the body politic.

THE WHEEL

The Cakravartin was he who made the wheels of his chariot roll unopposed over all the world. The wheel was the symbol of his power. In the Mahā-Sudassana Sūtra the wheel is represented to have rolled towards the East, South, West and North followed by the emperor to whom all rival kings became subjects.¹⁶⁶

THE SCEPTRE

Rājadaṇḍa signified the rod of justice. Manu¹⁶⁷ says that it is not the javelin that gives victory, but the king's sceptre if it does no injustice.

THE CROWN

The crown is the symbol of royalty.¹⁶⁸ The most important thing on the occasion of the coronation of a king was the fixing of a Patta (fillet) around his forehead and the Mukuṭa (crown) on his head, probably on account of which the ceremony itself came to be called Pattaḥiṣeka, Patta Bandhanotsava.¹⁶⁹ It was then that the king was invested with all the insignia of royalty and from that day onwards orders were issued in his name.¹⁷⁰

163 Sat Br 12.8.3.6

164 Ibid 12.8.3.4 5.2.1.24

165 AV 3.1.4.2

166 SBE Vol II P 248

167 Manu 7.18.

168 Rājataranginī 7.197

169 Nāsari Plates of Indra III (Rāṣṭrakūṭa) Bombay Gazetteer I 2 P 203, E IV pp 136 and 138. Quoted by Mahalingam, T V South Indian Polity, P 42

170 Ibid

UMBRELLA AND BANNER

Umbrella is a symbol of sovereignty.¹⁷¹ Every kingdom had its own banner. The banner of the Calukyas of Vātāpī was the Pālidvaja, which according to the records mentioning them, was the insignia of supreme dominion or overlordship. It was a particular arrangement of flags in rows (Pāli meaning a row). According to one of the inscriptions it was acquired by Vinayāditya after crushing the lord of all the regions of the North.¹⁷²

EMBLEMS AND CRESTS

Every dynasty of rulers in India had its own emblems and crests, each of which had a particular significance. The emblems and crests were usually engraved on royal seals, coins, on the top of copper plate inscriptions as also on flags.¹⁷³ If one kingdom was conquered by another and incorporated in the conqueror's territory, the vanquished ruler's coins were re-struck, with the emblem of the conqueror. But if the conquered ruler was reinstated after the acceptance of the overlordship of the conqueror, he appears to have been allowed to retain his own crest and emblem and engrave them on his coins, inscriptions etc. Hence it is, that we find emblems and crests of different chieftains even within a kingdom.¹⁷⁴

PANCAMAHA ŚABDA

The term means probably the sound of five kinds of musical instruments played as a mark of honour, normally the instruments were Śraṅga, Tammata, Sankha, Bheri and Jayaghanta.¹⁷⁵

□□□

171 Raghuvamśa : 2.47; Rājatarangīṇi: 6.88.

172 I. A. : 9.129; E.I.V. pp. 201. 203. Quoted by Mahalingam. T.V. : South Indian Polity, P. 89.

173 E.I. 13. P. 173. Quoted by Mahalingam. T.V. : South Indian Polity, P. 87.

174 Mahalingam, T.V. : South Indian Polity, P. 87.

175 Ibid: P. 89. footnote.

METAPHYSICAL FOUNDATIONS OF ROYAL AUTHORITY

(Relation between Politics and Ethics)

Authority introduces the idea of 'right', the legitimate use of power. Legitimacy is the rightful ground of royal authority, the cultural foundation of authority.¹ A legitimate ruler is one who inculcates certain virtues (as self discipline, freedom from lust, anger etc.) and virtues can only be acquired by following the path of Dharma morality, or ethical norms prescribed by the sages and seers. The thinkers of ancient India were aware of the fact that power can corrupt its wielder and he could act arbitrarily. A moral appeal was made to properly exercise the royal authority and a metaphysical foundation of that authority was advocated. They believed that ethical norms provide the ground for building the edifice of the state structure. Kautilya refers to the ancient history of India and puts forward the names of several kings, who perished because they did not follow the ethical norms and got indulged in the passions that were to be restrained. Bhoja Dāṇḍakya perished because he was overpowered by lust. Karāla Vardeha perished because of the baneful effects of anger, etc.², the illustrations cited, thus indicate the dire

¹ Drekmier, C. Kingship and community in Early India, P. 253

² AS. 165-10

consequences of the transgression of the ethical codes. If the king does not adhere to moral code, according to Kautilya, he is bound to fail. The ethical code was not prescribed separately, but was inherent in the duties prescribed for him. Integration of a state required integrated social order. This was possible only when the people followed their respective duties and adhered to the moral values in observing relations among them. The king is called the promulgator of Dharma. He was required to see that his subjects followed their duties and never allow the people to swerve from their duties, since, according to Kautilya, the performance of one's duties leads to both mundane and transcendental happiness.

Concept of Rta and Dharma

During the Vedic period, as appears from a hymn of the Atharvaveda, the two concepts of Rta and Dharma were distinct.³ Gradually the concept of Rta became less important. The moral significance that it had was slowly attached to the concept of Dharma, which by far became the more meaningful and important concept. It is difficult to trace the process through which the notion of Rta mingled with Dharma, but the intermingling was intensively important because it lent to Dharma some sort of moral meaning. During the Vedic period the word Dharma signified only ordinance and law but due to the fusion with Rta it came also to signify virtue or morality.⁴

Rta stands for Order, physical order. But besides signifying the physical order of the ritualistic sacrificialism, which developed in the Vedic and post-Vedic age, the word also received a moral content, when the belief grew that the transgression of Rta is a sin and has to be expiated by prayers to the god Varuṇa.⁵ According to Rudolf Otto, the word Rta comes from the root Ar, meaning to arrange, to order, to regulate. As a regulating principle it was to be found in the life

3 AV. : 11.9. 17.

4 Verma, V.P. : Hindu Political Thought and its Methaphysical foundations, P. 116.

5 Keith, A.B. : Cambridge History of India, pp. 83-84.

family clan and the tribe.⁶ In the R̥gveda the word stands for the of an individual supreme transcendental law which governs and controls the whole order of nature, and both gods⁷ and men were bound by it.⁸ In the Paurāṇi⁹ a period it was understood in the sense of ultimate truth. It becomes clear from the discourse between lord Kṛṣṇa and Uddhava. The direct question which Uddhava puts is — 'kim satva nartamūṣa e'⁹ 'What is Satva and R̥ta? The answer was truth is to see identity in difference, and R̥ta is called by the learned the undistorted description of truth 'Satyam ca, samadarśanam R̥tam ca sunīta kavibhīḥ | aṅkīrtitah"¹⁰

Several interpretations of R̥ta have been made by the scholars of ancient Indian thought. Bloomfield says "The high thought of the R̥ta is in many ways similar to the Confucian idea of order, harmony and absence of disturbance. In man's activity the R̥ta manifests itself as moral law."¹¹ The description of R̥ta given by Bloomfield denotes that R̥ta was understood by the R̥gvedic sages in the sense of order and harmony which generated peace and served as a basis for moral law, which brings perfection in life.¹² The interpretation of U C Sarkar¹³ that Varuṇa was the presiding deity of R̥ta and that any transgression from this order was to be punished by Varuṇa through the infliction of disease, death, or misfortune, states a law of nature: "it is implanted in the universe that the most natural phenomenon and the man and his affairs may be governed best, if they are in conformity with the law of nature or R̥ta. Kane¹⁴ proposes three aspects of R̥ta (1) as the course of nature or the regular and general order in the cosmos, meaning a law that is imperative and immutable and operates independently of the

6 Quoted by Meis G H. Dharma and Society, P. 10

7 1A. 971. 1653

8 1A. 1. 1

9 Śrīmad Bhāgavatā 11.20.29

10 Ibid. 37.38

11 Bloomfield M. The Religion of the Veda, pp. 126-128

12 Dharmasūtra S D. Administration of Justice in Ancient India, P. 9

13 Sarkar U C. Epochs in Hindu Legal History, P. 77

14 Kane P V. History of Dharmasāstra, Vol. 2, P. 2

will of man, (2) with reference to sacrifice it means "the correct and ordered way of the cult of gods and (3) it means the "moral conduct of man". In the opinion of Radhakrishnan,¹⁵ *Rta* denotes (1) the order of the world (2) permanent reality which existed, according to the Vedic seers before the manifestation of all phenomenon.

These interpretations clearly bring out two facts about *Rta* viz..

(1) It stands for Absolute Reality; unchangeable and immutable, basis of this Universe.

(2) The eternal law or morality that guides the life of an individual.

In the concept of *Rta* is inherent the concept of Universal law. Further, it furnishes us with a standard of morality.¹⁶ It forms the basis of principles of harmony, equality, order, liberty, justice and the science of social relations.

Imperative or obligatory character of the rules (of law) is traced to this theory of the Vedas where ordered and consistent conduct is praised and depicted as true *Vrata*. The breach of these rules caused impediments in the path of individuals in their ways of realizing their interests. As the breach of the rules by gods was punished by *Varuṇa*, the *Dharmapati*, so the punishment was to be inflicted on the people by the king, who was occupying the position, analogous to that of *Varuṇa*. During the *Dharmasāstra* period *Rta* was substituted by *Dharma*, or *Vrata* and *Satya* took its place and *Rta* receded into the background.¹⁷

DHARMA

Dharma is perhaps the most comprehensive concept in the entire history of Hindu thought.¹⁸ Prof. F. Keilhorn,¹⁹ alongwith Kane affirms that the exact meaning of *Dharma* is uncertain. Grammatically *Dharma* means what holds together, a phenomenon material or

15 Radhakrishnan, S. : *Indian Philosophy*, pp. 78-79.

16 Ibid. : p. 110

17 Kane, P.V. *History of Dharmasāstras*, Vol. 4, P. 5

18 Mees, G.H. : *Dharma and Society*, pp. 8-9 has listed up the several implications and meaning of *Dharma*.

19 I.I : 9, p. 113 (7)

immaterial, organic or non organic. The word is derived from Sanskrit root 'Dhri' meaning to preserve. This notion is extended in the *Mahābhārata*, 'People call Dharma that which possesses, sustains preserves, protects and holds together. Dharma holds preserves and protects the *Prajā* (mankind)'.²⁰ Dharma, thus is that which holds mankind together individually, socially, culturally and spiritually. It maintains social stability and unites the individual and society, enabling him to fulfil his psychomoral needs and obligations within the society.²¹

The word 'religion' has generally been taken as equivalent to the Sanskrit word Dharma. But religion is only an aspect of Dharma and never the whole of it. In Vedic literature the term 'Dharma' has been primarily used for custom or law, but in the *Dharmasūtras* and *Smṛitis* its connotation becomes so comprehensive as to include the totality of relationships in which an individual stands to everything else. Pāṇini interprets Dharma as an act of religious merit and custom or usage.²² When it is said that a particular person should do a particular act because it is his Dharma, the word means duty. It stands for code of conduct in the case of *Dśā-dharma*, *Kula-dharma*, *Jāti*, *Varna* and *Āśrama-dharma*. It denotes virtue and righteousness when used with reference to the *Trivarga*. Whatever be the meaning of the term in a particular context, it always imposes certain limitations on human conduct.²³ E. W. Hopkins says that it means "Ethical good usage and implies in itself the code of conduct to avoid all crimes, to avoid no less spiritual sins, arrogance, envy, jealousy and injury to others".²⁴ P. V. Kane interprets it as the "mode of the life or a code of conduct".²⁵ Dharma, thus can be summed up as not only an ethical norm, a religious duty, a mystical entity and an ideal, but it also

20. *Mbh.* Kāṇva 69.58.

21. Prabhu P. N. *Hindu Social Organization* pp. 79-80.

22. Agrawala, V. S. *India as known to Pāṇini* p. 146.

23. Jauhari M. *Politics and Ethics in Ancient India*, p. 72.

24. Hopkins, E. W. *Ethics of India* p. 92.

25. Kane P. V. *History of Dharmasāstras* Vol. 1 pp. 505-506.

implies economic, political, racial and professional rules of conduct becoming both "the process and instrument of integration that underlies all modes of association."²⁶

In its political aspect the Brāhmaṇical Dharma stands particularly for the whole duty of the king (Rājadharmā) which from the first is conceived in sufficiently elastic terms to provide for the needs of the kingdom. In Manusmṛiti and still more in the Mahābhārata the wholesale incorporation of the Arthaśāstra categories and concepts relating to the branches of the king's internal and external administration.²⁷ The concept of Dharma as the basis of power grows in relation to the development of political thought in India. In the R̥gveda we have the idea of Vrata which has the connotation of law. There is also the equation of Dharma with law. As Manu says: "Dharma, when violated verily destroys, when preserved, preserves, therefore, Dharma should not be violated, lest the violation of Dharma destroys us."²⁸ In the Aitareya Brāhmaṇa the king is called the protector of Dharma."²⁹ P. N. Banerjea here takes Dharma as religion and says that the king was the protector of religion.³⁰ Banerjea's interpretation is incorrect, because the Vedic and post-Vedic concept of Dharma does not mean religion. The phrase "protector of Dharma" means no more than the idea that the king was considered to be the protector of social and moral principles.

The Śatapatha Brāhmaṇa calls the king the upholder of Dharma³¹ and from that the implication is drawn that he is to do and speak only that which is right.³² Thus the notion that the king should not act arbitrarily was accepted. The king as the upholder of Dharma could not act against it. The people were expected to follow his example in

26 Motwani, K. : Manudharmaśāstra, P. 24

27 Ghoshal, U.N. : A History of Indian Political Ideas, P. 73

28 Manu : 8.15

29 Ait. Br. : 8.26

30 Banerjea, P. N. : Public Administration in Ancient India, P. 74

31 Sat. Br. : 5.3.3.5

32 Taitt. Br. : 1.8.10.1-6

pursuing their own duties. The king, though, has been called the 'protector of Dharma' and 'upholder of Dharma', could not override it. Dharma was above the king, it was the king of kings. The *Bṛhadāraṇyaka Upaniṣad* formulates the classic idea of Dharma as the guiding force in socio-political life and implies that social and political institutions are meant for the realization of Dharma.

According to Kautilya, an accomplished king must be devoted to Dharma. He is called the 'promulgator of Dharma'.³³ Even if mendicants and ascetics engaged themselves in improper proceedings the king was to restrain them under the threat of punishment because if Dharma is transgressed then it redounds to evil of the ruler. The righteous performance of his duties ensures heaven for the king.³⁴ The performance of kingly function, says Kautilya³⁵ is to be based on the desire to serve the common good and well-being of the people and if the king did his duties well he would not only gain worldly prosperity but attain heaven. This idea is remarkably similar to the view of Kanaḍa according to whom, Dharma is that which serves the well-being of a person both in this world and the next.³⁶ Since the performance of one's duty would lead to happiness, it was the duty of the king to see that the people never swerved from their duties. Thus the fundamental purpose of the political organization was the maintenance of Svadharma. The king was to adhere to his own Dharma and was to be careful to see that other orders and Varnas also are faithful to their Dharma. Kautilya emphasizes the fact that the duty of the state is to enforce the Varnāśrama system. He says, "the people of the four Varnas and Āśramas protected by the king with Daṇḍa and attached to their own duties and occupations keep to their respective paths."³⁷ Hence the concept of Svadharma comes to occupy

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33 AS 3 1 38

34 Ibid 1 3 15-16

35 Ibid 1 5 17

36 Vaiśeṣikasūtra 1 2

37 AS 1 4 16

the central place in the scheme of the values and ideas that were to govern the political organizations.³⁸

DHARMA OF THE KING- RĀJADHARMA

Rājadharmā is commonly equated with political science. Its content is assumed to be the art of government. It is forgotten that literally and traditionally, it means not the art of government, but the indication of the duties of a particular functionary, viz., the crowned king. Vijnāneśvara makes this clear in introducing the brief section on Rājadharmā in Yājñavalkyasmṛiti. He explains that Yājñavalkya proceeds to indicate the special duties of the householder, who had acquired a special Guṇa (quality) by being a crowned king, after the specification of the duties of householders of all Varnas generally.³⁹ The Rājadharmā, the Dharma of the king exists as guarantor of the whole social structure. The political power must ensure each man the opportunity to fulfil the conditions of his Svadharma without interference. It was Varuṇa who was responsible for ensuring the order of the universe and it was the same order that governed men. The breaking of custom invoked Varuṇa's wrath on the miscreant. The king thus served as judge and guarantor of the established order. The Dharma of all men depended upon the Rājadharmā, the fulfilment of royal duties.

"Rājadharmā", says Yudhiṣṭhira,⁴⁰ "is the refuge of all living creatures, and not only the threefold ends of life but salvation itself depends upon it." The kingly duty (Dharma) is held to be the means of controlling the world, just as the reins are unto the steeds and goad is unto the elephants so the science of kingly duties constitute the reins for check the world. Just as the rising sun dispels unholy darkness so does the Rājadharmā destroys all evil consequences in the world. Bhīṣma⁴¹ says that all the duties of the three upper classes

38 Verma, V.P. : Hindu Political Thought and its Metaphysical foundations, P. 131

39 Aiyanger, Rangaswami, K.V. : Aspects of Social and Political System of Manusmṛiti, P. 309

40 Mbh. : Śānti, 56. 3-7

41 Ibid. : 63.24

together with their auxiliaries spring out of the king's Dharma. All the (other) Dharmas he explains, are swallowed by Rājadharmā, just as the foot-prints of all creatures are swallowed up in those of the elephant. Quoting the views of those versed in the law as well as of the cultured people, the speaker further observes that while all other Dharmas afford little relief and produce small benefits, the Dharma of the kṣatriya alone brings much relief and confers great benefits, all Dharmas, the speaker sums up, have Rājadharmā as their chief, while all renunciations, all religious initiations and all religious exercises are fixed in Rājadharmā. The above view of the uniqueness of Rājadharmā is justified by the speaker in the first instance by the conception of its pre-eminent function in relation to the community, "should Daṇḍanīti (here significantly identified with Rājadharmā)⁴² be lost," he says, "the three Vedas would sink and all Dharmas would be mixed up should the primeval Rājadharmā be given up, all the Dharmas of the orders (Āśramas) would disappear."

Casting away life in battle, compassion for all creatures, knowledge of many ways of the world, rescuing people from danger and their protection, relieving the distressed and the oppressed, all these comprise the Dharma of the king. As early as the Vedic times the concept of Rājadharmā or Dharma of the state had begun to develop, for, the maintenance of Dharma was considered to be the main function of the king.⁴³ In the Buddhist literature there is the same insistence on the primacy of Dharma over Daṇḍa, and the ideal of the Dhammiko Dhammārāja⁴⁴ is held forth as valid for all ages and places. The Arthaśāstra and the Dharmasāstras give a detailed exposition of Rājadharmā under which protection of the people and maintenance of the institution of Varṇāśrama are mentioned as the most vital duties of the state.⁴⁵

42 Ghoshal U N. A History of Indian Political Ideas. P. 190

43 Sinha, It N. Sovereignty in Ancient Indian Polity, P. 27

44 Gokhale B G. Indian Thought Through The Ages. P. 27

45 AS. 1416

The Rājadharmānusaśana Parvan of the Mahābhārata is a veritable treasure house of ideas on the Dharma of the king. Maintenance of existing social institutions as a fundamental duty of the state was an idea which also influenced Muslim thinkers, as is indicated by Abul Fazal's inclusion of the protection of the four orders of the society in their respective position in the scheme of royal duties.⁴⁶ The correct implication of this duty must be understood. It does not signify the preservation of the status-quo, the continuation of the social order unchangeable. The king was required to correct abuses and modify customs which might have ceased to be in conformity with the sacred law, and to set in motion the tendencies which would lead to a better social order. In other words, the duty of upholding the social order included the obligation to ensure that customs and practices which had lost their rationale or *raison d'être*, and had become a dead-weight on social progress should be eliminated. It must, however, be borne in mind that this interpretation did not confer on the state authorities the right and power to encroach upon and interfere with the free functioning of the institutions of guilds, village assemblies, townships etc. The idea was never abandoned that the state or the supreme political authority was nothing more than an instrument of co-ordination and general control, and that it should do nothing to weaken the right of every group and section to manage its own affairs and perform its natural functions unhindered by others.

Bhīṣma declares that protection of the subjects is the very primary kingly duty.⁴⁷ The Dharmasāstras regard the protection of the subjects as the foremost and highest Dharma of the king. They declare that a king who receives taxes and other dues from the people but fails to give them security and protection goes to hell.⁴⁸ Śukra says that the highest Dharma of the king is to protect his subjects and punish the

46 *Ain-i-Akbari* (translated by Blochman 1.5: Quoted by Ghokhale, B.G. : *Indian Thought Through the Ages*. P. 43

47 *Mbh.* : *Sānti*, 68.1-4.

48 *Manu* : 8.307-309.

wicked⁴⁹ The king who performs duty of protection, Bhīṣma concludes, wins a hundred times as much merit, as is acquired by those (ascetics) who live in the forest and those who belong to the four orders⁵⁰

Another important kingly duty was the promotion of public welfare and happiness. The king was known in ancient India as Prajāpālaka and Rakṣaka. Kautilya says that the king should find his happiness in the happiness of the people, that his true good is the good of the people⁵¹ Śukra,⁵² Viṣṇu,⁵³ Kāmandaka,⁵⁴ Bhīṣma⁵⁵ and others subscribe to the same view, that the welfare of the people 'Yogakṣemanusandhānam', was generally accepted as the true Dharma of the king. The concept of public welfare included not only giving aid and assistance in form of food, clothing, medicine, lodging etc. to the poor and the needy and to help the distressed in times of natural calamities like floods, draughts etc., but also the support to students and learned Brāhmanas in their studies and performance of sacrifices. We get a detailed account of the works of public welfare performed by a king in the Aśokan inscriptions⁵⁶

It is by punishing the law-breakers that a king protects his subjects from the evil deeds of the anti-social elements. Administration of justice was always regarded as one of the paramount duties of the king. Dharma is preserved in a kingdom where justice is impartially administered, it earns the same merit for the ruler which occurs from the performance of Vedic sacrifices and ceremonies. The following passage, which occurs in the Milinda-Panho, also gives us an idea about what were thought to be the duties of a king. "The sovereign overlord gains the favour of the people by the four elements of

49 Śukra 1 120

50 Mbh Śānti 71 29

51 AS 1 19 34

52 Śukra 1 14 □

53 Viṣṇu 3 70

54 Kāmandaka 5 82 13 45

55 Mbh Śānti 56 46 82 2 3, Rāmāyana Ayodhyā. 100 69, Rājataranginī 6 8

56 Rock Edict VI

popularity (viz., liberality, affability, justice and impartiality)..... The sovereign overlord allows no robbers to exist in his realm. He travels through the whole world even to its own boundary, examining into the evil and the good."⁵⁷

Rājadharmā, thus, is the fundamental social and political principle ensuring the fulfilment of human ends as well as universal security: it represents quantitatively the most comprehensive, qualitatively, the most fundamental and ethically the most perfect group of human activities.⁵⁸

MONARCHY AND MORALS

The Kṣatriya functions of the king have led some scholars to separate the science of ethics from the science of politics because they prescribe the use of assassination, espionage etc. U. N. Ghoshal⁵⁹ writes, "In making acquisition and preservation of dominion the grand aim of their science, the Kauṭilyan predecessors were necessarily led to view their problems primarily from the standpoint of interest of the state. In the branch of internal administration under the urge of ensuring the king's security Bhāradvāja suggested the extreme step of secret murder of unwanted princes, while Vātsyāyana advised the scarcely less heinous course of luring the princes to sensual indulgence and the school of Āmbhi with less logical correctness but with equal disregard of morality recommended the policy of alternately tempting the princes to vices and treason and dissuading them from the same. The same attitude towards morality is displayed in the sphere of inter-state relations. In their stock list of the six types of foreign policy, our authors include the item 'dual policy' which involves the submission of a king with the thought of treachery at heart. Again, in the opinion of these ancient thinkers unending and complete distrust of the foreign enemy is a fundamental canon of foreign policy. A king states the Mahābhārata, after concluding peace

57 Banerjee, P.N. : Public Administration in Ancient India, P. 74

58 Ghoshal, U.N. : A History of Indian Political Ideas, P. 191

59 Ibid : P. 100

with powerful enemy in a matter involving the co-operative undertaking, shall proceed cautiously and when the object has been achieved, he shall not repose trust in the enemy. He who trusts the word of an enemy, whether true or false, meets with destruction like honey sucked by dry grass.⁶⁰ He further quotes the extract of the *Mahābhārata* in which Yudhiṣṭhira declares the Kṣatriya's duty to be the most sinful of all duties on the ground that the king slays large number of people in his wars.⁶¹

Kauṭilya refers to various means by which the enemy should be assassinated. He advocates espionage and battle of intrigues, gives a long list of drugs and black magic to ensure the destruction of the enemy and goes to the length of asserting that money should be made by royal agents by playing upon the religious credulity of the people.⁶² In this reference to Kauṭilya, Ghoshal writes, 'when we turn to consider the author's attitude towards religion and morality, we find him following, as might be expected, the footsteps of the early masters. We find him, in other words frequently inculcating rules of a grossly unscrupulous nature on the plea of public interest and without the least pretence of moral disapproval. Thus Politics, distinguished as it is in the system of the *Arthasāstra* as a separate science, as before, was further separated from the science of Ethics.'⁶³

With reference to the views of Bhāradvāja in the *Mahābhārata*,⁶⁴ Bandyopadhyaya states "the further importance of the *Rājadharmā* chapters lies in the fact that they show a decided tendency towards the separation of ethics from the sacerdotal canon

60 Ibid P. 192

61 Mbh. Śānti 12.98

62 AS 10.3.8 7.6.17, 41.12.1.18

63 Ghoshal, U.N. *A History of Hindu Political Theories* P. 148

64 Mbh. Śānti 14.0.13

and in some chapters we find even a tendency towards the separation of politics from the traditional lines of ethical enquiry."⁶⁵

The separation of politics from ethics in the Hindu monarchical system cannot be agreed upon. The eminent scholars forget that in the Hindu view of ethics, the performance of one's own duties was the uppermost consideration. A good kṣatriya was the one who faithfully adhered to his duties. A good Śūdra was the one who was faithful in the performance of his own specific Svadharma. Adherence to Svadharma was a social task, it also served the good of the kingdom. According to the Varnāśrama theory each man is to pursue the task assigned to him in accordance with his particular Varna and order in life. It was the duty of the kṣatriya king to expand his territories and conquer the enemies. "The king", says Gautama⁶⁶ "incurs no blame by slaying foes in the battle." Elsewhere⁶⁷ he says that the kings are always exempted from ceremonial impurity, lest their work be interrupted, Rāma and Kṛṣṇa took recourse to some actions which can be considered against Dharma, but those actions have been regarded as necessary for the maintenance of Dharma itself. When Yudhiṣṭhira, full of agony after the Great War, expressed his view to renounce his throne and retire to the forest, he is told by the sages that the kṣatriya's distinctive duty (Svadharma) consisted in acquiring wealth and conquering territories.⁶⁸ Kauṭilya, it is true, catalogues the ways of poisoning and drug making, but it is only necessary for the pursuit of warfare which is the duty of the king to undertake. Manu⁶⁹ also says that fighting is the ^{Dharma} ~~Dharma~~ of the king. If Kauṭilya was against Dharma, he would not have said that the king who administers (the kingdom) according to Dharma..., will be able to conquer the whole

65 Bandyopadhyaya, N.C. : Development of Hindu Polity and Political Theories, P. 271

66 Gautama. Dh. Sūtra : 10.17

67 Ibid : 14.45

68 Mbh. : Śānti. 12.10-13.22.

69 Manu : 7.87

world bound by the four quarters⁷⁰ It speaks itself that politics was based on ethical principles

Another consideration was of self preservation and the preservation of the kingdom Any act done to safeguard and preserve the kingdom was not considered as sinful In self preservation a king was allowed to override his normal obligations under the law Not only the king, but also a common person was allowed the breach of rules under certain particular circumstances These duties, which were in contrast to the normal obligations have been named as *Āpaddharma* or 'Dharma of distress' The scholars who regard the view of *Bhāradvaja* as the advocate of cold, calculating treachery and heartless cruelty, have divorced it from its context *Bhāradvaja* allows the use of these measures only in the time of crisis and to counteract the machinations of enemies He says "A person (or king) should not act in accordance with these rules These measures laid down by me should be taken to recourse only in times of distress or in counteracting the use of these measures by the enemy"⁷¹ For the most part unscrupulous tactics are recommended only against those who subvert and destroy the order on which society rests⁷² Even war in *Arthashastra* has become an instrument of policy to be employed when all means have failed When the state's military position was precarious, or when its security was at stake, any means of striking at the enemy was warranted At such times the Chivalric code was a luxury, a state could ill afford "Over and above", states Benj Prasad,⁷³ "in its normal functions, ancient Indian thought envisaged certain well-defined moral functions for the state and for this it was insisted upon that the state itself should be a moral institution" The state was the protector of the property of the people and it could do so only if the king desisted the temptation of becoming the great expropriator himself The main

70 AS 164

71 Mbh Śānti 140 70

72 AS 5117

73 Prasad Benj State in Ancient India, P 37

function of the king was the promotion of the three ideals of life—Dharma, Artha and Kāma. The term Dharma came to mean the rules of behaviour and it was the function of the state to impose these codes of behaviour.⁷⁴ The state, according to Kautilya is not independent of morality, because the state has a moral purpose to fulfil, and that is the maintenance of social order. That the state had a pre-eminently moral role to play was recognized by the Brāhmaṇical thinkers. The Viṣṇudharmaśāstra lays down that the major duty of the king is to honour the righteous and punish the wicked for which task he is endowed with the power of Daṇḍa.⁷⁵ Dharma profoundly influenced the ideas on polity and statecraft by infusing a moral purpose into a system based on coercive force and centralized control. Dharma acted as a check on royal absolutism and that this was as much true in practice as in theory is shown by the conduct of the kings like Aśoka, Samudragupta, and Harṣa.⁷⁶ Aśoka's inculcation of morality is a sensitive and shrewd combination of inspiration and constraint, of an ideal example and administrative sanction. The Allahabad Pillar Inscription of Samudragupta describes him as a man of learning and art, devoted to religious duties and sacred scriptures..., in short a 'Dharmarāja' whose conduct was inspired by the high ideals of Dharma.⁷⁷ Harṣa rewarded the good and punished the wicked, degraded the evil and promoted the men of talent. According to Kautilya kingship and Dharma are closely related and the king is the fountain of justice. It is the king's responsibility to maintain Dharma and to protect his subjects with justice.⁷⁸ The epithet 'Dharma-pravartaka' given to the king clearly brings out the relation of the king with Dharma or ethics. The term not only denotes the responsibility of the king as the promulgator and protector of law but also denotes

74 AS. : 1.4.16.

75 Viṣṇu : 3.36, 37.

76 Gokhale, B.G. : Indian Thought Through the Ages, P. 44.

77 Majumdar and Aliakar : The Vākāṅga-Gupta Age, P. 156

78 Krishnarao, M.V. : Studies in Kautilya, P. 110.

that as he himself was considered the Dharma-pravartaka, he could not swerve from the path of ethics or morality

Code of Conduct

Scholars who declare Ethics as separate from Politics have put forward a biased view. They have limited their study, to find the relation between politics and ethics, to inter-state relations and warfare only. They have overlooked the point that a code of conduct was prescribed for the ruler and the education that he received as a prince was imbibed with ethical norms. Even the laws of war were humane and honourable. The Mahābhārata says, "A king should never desire to subjugate countries by unrighteous means, even if it makes him the sovereign of the world"⁷⁹. And again, a kṣatriya who destroys righteousness and transgresses all wholesome barriers, does not deserve to be reckoned as a kṣatriya and should be driven from the society⁸⁰.

Righteousness, we are told, is the essence of kingship as well as the king's best policy. The king, it is explained, should avoid specified vices and practice specified virtues as the conduct of the king affected all aspects of life in his kingdom. It is in consequence of the sinful acts of kings that virtue decreases greatly and sin begins to prosper. And when it all takes place, the subjects of the kingdom begin to degenerate. It is from the sinfulness of kings that their subjects suffer numerous evils.

The king is 'ideal' with his organs of senses under control, he shall keep away from unrighteousness and uneconomical transactions, from hunting women and property of others, avoid lustfulness, falsehood, haughtiness and evil proclivities. But when the good of state requires it and when he has to defend it against unrighteousness, he must be prepared to practice treachery, deceit and sacrilege.

Kautilya remarks that the sole aim of all the sciences is nothing but the restraint of organs of sense. The Cakravartin or the world master,

79 Mbh Śānti 96.2

80 Ibid 96.10

must achieve self-discipline, the condition of his success. Kautilya says that a king must have restraint over six passions; sex, anger, greed, vanity, haughtiness and overjoy.⁸¹ Kāmandaka stresses the need for discipline on the part of the king. He says that how can a king hope to conquer the world if he cannot master himself? Self-indulgence is the trap that ensnares even the elephant.⁸²

History has recorded the ruin and disaster of vast empires as a result of the entanglement of their emperors and leaders in the tantalizing manifestations of the five senses, of sound, touch, beauty, taste and smell.⁸³ The Śukranīti says, "An unrighteous king is a demon." It divides kings into three classes namely Sāttvika, Rājasika and Tāmasika. The king who observes his own duties, protects his subjects, performs all sacrifices.... is a Sāttvika king, and he attains salvation. The king who is devoid of pity, full of pride and envy, and untruthful is a Tāmasika king and goes to hell. A Rājasa king is one who is vain, greedy, attached to the objects of enjoyments..., such a bad king after death reaches the state of the lower animals and inanimate things.⁸⁴

The stories from the Jātakas also throw light on the fact that the principle of righteousness was followed by the kings. In these stories⁸⁵ we are told that they ruled with righteousness, that they shunned the four wrong courses of life (i.e. excitement, malice, delusion and fear) and that they practised ten royal duties (alms-giving, refraining from anger and injury, forbearance, morality, liberality etc.). How a king's observance of righteousness instead of its reverse benefits himself is told in few stories. Thus we learn (Nos. 51, 151 and 282) how a king who conquered wrath with mildness and badness with goodness was adjudged superior to another who did just the opposite. The reign of Yudhisthira is an illustration of the effects of a beneficent

81 AS. : 1.6.1.

82 Kāmandaka : 1, 37.

83 AS. : 1.6.2.

84 Sukra : 1.29-34.

85 Jātakas 1 P. 260 : 2 P. 118: 3 pp. 325 and 470.

administration. The kingdom became free from disputes and fear of every kind. Kāmandaka says 'Thus like rivers that flow through right course, fall into the sea, all prosperity devolves and never dwindles away, upon a king who knowing the good and evil, frames the rules of conduct for his subjects'⁸⁶

Not only was the king required to be free of vices and sensory temptations, he was also required to acquire traditional and secular wisdom for elders, secure welfare of all by energetic action, perfect social integrity by ordered action, ensure social welfare by conservation and agglomeration of resources, secure livelihood for all with good intention and obtain obedience by education.⁸⁷

EDUCATION OF THE PRINCE

Both the Dharmasāstra and Arthasāstra writers lay stress on providing a sound and adequate education to the prince. Kautilya goes into great details of the education to be given to the prince, and draws up a comprehensive scheme. He is strongly of the opinion that education and discipline provide the best security for the king as well as for the community.

The education of the prince comprised of not only the art of government, but he was also trained to be self-disciplined and develop virtuous qualities in him. The prince was required to acquire Vinaya or discipline. The term 'Vinaya' contains the entire philosophy of education as understood by Kautilya. It is education, discipline, training, self-culture, self-refinement, self-training and self-discipline. It comprehends the whole and thorough training of the physical, mental and ethical sides of human life. Control over sense-organs is a vital part of education provided by Kautilya. Kautilya cites numerous examples of kings coming to grief because of the presence of even two or three of the great evils (lust, anger, greed etc.), to say nothing of all of them together. It can be easily realized that a properly educated king would not misuse the powers vested in him for public

86 Kāmandaka 12.44

87 AS 179

good. "The education of the prince", as Drekmier remarks, "aimed at nothing less than the production of a philosopher king."⁸⁸

Rājā Kālasya Kāraṇam

The king was required to follow the ethical values and code of conduct laid down for him, as his behaviour not only influenced his people but also the age in which he ruled and the whole environment in which he lived. The king was regarded as the maker of his age. Kautilya says that the future of the society is not in the lap of the gods, but is amenable to human control, and that the king by his Udyama (perseverance) could control human destiny and turn out to be the maker of his age.⁸⁹ A wise king can make even the weak and miserable elements of his sovereignty happy and prosperous; but a wicked king will surely destroy the most prosperous and loyal elements in his kingdom. The stories of the Jātakas⁹⁰ indicate the author's view of the immense significance of the king's attitude towards righteousness in relation to his whole environment. The Jātakas explain that the king through his attitude towards righteousness, influences, for good or evil, the course of the climatic phenomenon shaping man's agricultural production as well as the degree of productivity of his life giving crops. "In its simplest form", writes U.N. Ghoshal,⁹¹ "it means that the king by his example influences, for good or evil, the moral stature of his subjects and thence causes happiness or misery." Under the beneficial administration of Yudhiṣṭhira, all the people became attentive to their respective occupations, the rains became so abundant as to leave no room for desire and the kingdom grew in prosperity. In consequence of the virtues of the king, cattle-rearing, tillage, trade—all and everything grew in prosperity.⁹²

88 Drekmier, C.: *Kingship and Community in Early India*, P. 258.

89 Krishnarao, M.V. : *Studies in Kautilya*, P. 82; *Sūtra* : 1.22.

90 Jātakas : No. 194, 2 P. 124, No. 334.

91 Ghoshal, U.N. : *A History of Indian Political Ideas*, PP. 72-73.

92 Sharan, P. : *Ancient Indian Political Thought*, P. 360; *Mbh.* : Santi, 69.79.

That the fate of the kingdom depends upon the king is clearly indicated in these lines, "Hence a king of unrighteous character and of vicious habits will, though he is an emperor, fall a prey either to the fury of his own people or to that of his enemies"⁹³ "But a wise king trained in politics will, though he possessed a small territory, conquer the whole earth with the help of the best fitted elements of his sovereignty and will never be defeated"⁹⁴ The king was expected to secure the welfare of his subjects and their sufferings were regarded as due to his misdeeds. Famine, floods and pestilence prevail in the land if the king is unjust and dissolute in his conduct. But righteousness and the punishment of the wicked bring fame to him and prosperity to his country. Virtue brings happiness to the people and must be protected at all cost. The people it is said, are always quick to discern and follow the example of the king. If the king is wise and follows the path of morality, the people are likely to copy his conduct, thereby bringing happiness in the state and if otherwise, the state is deemed to be doomed. The king is thus the maker of his age.

Politics and Ethics, it can be seen, were woven together in ancient Indian political thought. The ethical norms provided the metaphysical foundations of a state upon which a state could not only survive but thrive happily.

□ □ □

93 AS 164 6117

94 Ibid 6118 1517

TERRITORY AND POPULACE : THE DETERMINANTS

Janapada has been given an important place among the constituents of the state in ancient India. The janapada meant not only territory or land, but also the population inhabiting the territory. Kautilya observes, "no territory deserves the name of a kingdom or country unless it is full of people".¹

Rangaswami Aiyanger denies that the territory was an essential element of the state. He writes thus. "In regard to the essential elements of the state, it is usual for our political writers to group the characteristic features as seven, under the heads of Sovereign, Minister, People, Fort, Treasure, Army and Allies".² He further states that the idea of a fixed territory was the growth of later times and that it cannot be expected in the earlier writings. He says, "In the epochs of wide popular and tribal movements represented in the Vedic and Epic periods, it was of course, not to be expected that the territorial aspect of the state should be grasped, or stressed, even if understood. Even in the days of Kautilya, powers are referred to by the names of people and not by geographical limits... It is, however, clear that in the epochs that followed the disruption of the Mauryan empire, when invasions and immigrations from outside followed one another in an unending procession frequent unsettlement of the population and of

1. Shamasastri, R. : Kautilya's Arthasastra, p.433.

2. Aiyanger, Rangaswami, K. V. : Some Aspects of Ancient Indian Polity, p. 69.

the political boundaries became inevitable, and the state had to be thought of independently of a fixed territory. Such conditions persisted as late as the ninth century A.D. — the age of the rise of Gurjara Pratihāras. Hence, the statement that a definite territory constituted an essential feature of the state as an institution, has to be taken in the light of our history, more as an often realized idea than a permanent characteristic of all ancient states.³

Saletore does not agree with the views of Aiyanger. Criticising his view Saletore writes, "Professor Aiyanger has interpreted, in the list of the elements of the state Janapada in the sense of people and he has no place for territory in the constituent elements of the state"⁴. He further says, "Professor Aiyanger has looked at the problem of the territory from the standpoint of the later times. It is unfortunate that the eminent historian should have postulated the above assumptions, none of which is tenable. That in the Vedic days people certainly understood and grasped the concept of a fixed territory must have been apparent to the reader from the theories relating to the Janapadas. What Professor Aiyanger means by wide popular and tribal movements not only in the Vedic times but also in the days of Epics one fails to understand. It is not denied that in a vast country like India there were periodical movements of tribes. But this is not equal to saying that the people had no concept of territory as being one of the elements of the state. The foreign invasions of the post-Mauryan times no doubt shattered the frontiers of many a kingdom but this does not mean that the idea of territory, as an element of the state, did not exist. On the basis of his own statement (to read present into the past is an admitted defect in historical writings), it would be incorrect to judge the political condition of the Vedic and epic times,

3 Ibid. pp 78-79

4 Saletore, B.A. *Ancient Indian Political Thought and Institutions*, p. 425

on the basis of either the post-Mauryan or of the Gurjara Pratihāra times."⁵

Kane is of the opinion that the territory was the most important element of the state. He has based his view on the statement of the Agni Purāṇa that the territory is the most important elements of the state.⁶

The term Rāṣṭra meaning territory occurs in the R̥gveda in the statement of Trasadasyu, "mine is the kingdom on both sides".⁷ (mama dvitā rāṣṭram kṣetrasya). Here the term Rāṣṭram definitely means territory. In the Atharvaveda, the earth is called mother, and is invoked to impart the Rāṣṭra strength and energy.⁸ In a famous benedictory passage in the Taittirīya Saṃhitā, one of the blessings invoked is the following : "May the king in this kingdom become brave, a skilled archer and a great warrior".⁹ In the light of this positive evidence in the Vedic literature, it would be incorrect to maintain that the ancient Indians were ignorant of the concept of territory.

Kautilya¹⁰ uses the term Janapada in the sense of the kingdom or Rāṣṭra, when he states that on all the four quarters of the boundaries of the kingdom, defensive fortifications against an enemy in war shall be constructed on grounds naturally best fitted for the purpose.

All the above statements indicate that the importance of territory cannot be denied. the supposition that there could ever have been a concept of kingdom without territory is inconceivable. A mere collection of people has never formed a state unless they have a definite territory to claim as their own. Kane says, "The analysis of

5. Ibid. pp. 425-426.

6. Kane, P. V. : History of Dharmaśāstras, Vol. 3. p.132.

7. VI : 2. p.223; Kane, P.V. : History of Dharmaśāstras, Vol. 3. p.132.

8. Ibid.

9. Taitt. Saṃ. : 7.5.18; Kane, P.V. : History of Dharmaśāstras, Vol.3. p.132.

10. AS. 2.3.1.

the elements and nature of the state led ancient Indian writers to hold that a mere conglomeration of people did not by itself constitute a state, but that for a state there must be people who live within certain geographical limits (Rāṣṭra)¹¹

Importance was attached not only to the vastness of the territory, but also to the qualities of the land. The land with good soil, treasure troves, forests and mines was a great asset to the king. Good soil meant abundant grain which in turn meant large revenue, revenue along with treasure-troves, mines etc. would fill the coffers of the state. This would mean a kingdom with full treasury (Koṣa) an important element for the maintenance of the state.

Kāmandaka says that since the prosperity of the state depends on the quality of soil, one should prefer the land which can grow various crops, is rich in minerals, is well suited for cattle-breeding and has plentiful supply of water. Manu writes, "The king should settle in a country which is open and has dry climate, where grain is abundant which is not subject to epidemics, which is pleasant, where vassals are obedient and where the people can find their livelihood"¹²

Kautilya gives an elaborate description of a good land. He says "Possessed of capital cities both in the centre and the extremities of the kingdom, productive of subsistence not only to its own people, but also to outsiders on occasions of calamities, repulsive to enemies capable of bearing the burden of a vast army and heavy taxation, inhabited by agriculturists of good and active character, full of intelligent masters and servants and with a population noted for its loyalty and good character – these are the qualities of a good country"¹³

11 Kane P. V. History of Dharmasāstras Vol 3 p 19

12 Manu 8.69

13 AS 6.1.8

TRANSFORMATION OF JANAS INTO JANAPADAS.

In C. 2000 B.C. with the advent of the Āryans into India, a new culture came to light. The Āryan stock were a people pre-eminently devoted to pastoral pursuits, but not unacquainted with agriculture. R̥gvedic Saṁhita furnishes, some hints of their organization in fortified villages (Pura) under the rule of the chiefs. The Vedic Āryans at the dawn of their history, appear before us as a settled people largely devoted to agriculture. The unit of the Indo-Āryan society was the patriarchal family or 'Kula'. The Kula was at first migratory, it moved from place to place as conditions demanded. In the course of time this migratory tendency ceased and the various Kulas became settled on land which they called their own and formed themselves into a number of village communities. The village folk met together in their assemblies on the basis of full equality for all members of the clan for common deliberations, for sacrifice and worship, and whenever occasion demanded, for war. Those among the Kulapatis who had earned a name for strength, wisdom and leadership naturally became leaders. Above the Kula stood the 'Viś' in sense of 'clan' and a number of 'Viś' groups formed the whole 'Jana' or people. Reference to Panca Janah, Puru Janah, Bharat Janah and Yādav Janah, is found in the literature.

During the period represented by the later Vedic literature, which roughly speaking comes down to about 600 B.C., some remarkable changes came in the position of the Āryans in India. The first and foremost of these was their gradual expansion towards the east and south. The main settlements of the Āryans, in the earlier period, were on the banks of the rivers of the Punjab, although their outlying colonies reached as far as the Ganga. During the period represented by the later Saṁhitās and the Brāhmaṇas, however, they continued their progress, and well-nigh, covered the whole of Northern India.¹⁴

14. Majumdar, R.C. : Ancient India, p.65.

This movement gave them abundant fertile lands with irrigation facilitated by the rivers. As a result the moving families settled themselves permanently in this region and new Janas came into prominence. Of the new Āryan kingdoms in the east, the most important were those of the Kurus, Pāncālas, Kāśis, Kosalas and Videhas.

The progress of the Āryans was followed by other important consequences. The old tribal organization was gradually strengthened and consolidated, and led in many instances to the growth of powerful territorial states. The Kulapati, well known for his bravery and skill as a military leader, naturally became Viśpati, and the leading member of the seniormost family would be the natural choice as the leader of the 'Jana' or state, if he was otherwise well qualified. Monarchy became the prevailing form of government in Vedic India. Commenting on this, J. P. Suda writes, 'There is nothing strange or surprising about monarchy becoming the prevailing form of government in Vedic India, because early Indian society was patriarchal, and the monarchic form is the natural outgrowth of the patriarchal system'.¹⁵

The political life became more keen and the struggle for supremacy among different states was of frequent occurrence. Already the ideal of universal empire loomed large at the political horizon, and it is difficult to maintain that it was never actually realized in practice to any considerable extent. The references to Aśvamedha and Rājasūya sacrifices are too frequent in the literature to be dismissed as mere fiction, and those rulers who performed either of them, had as their immediate and only object the establishment of imperial sway over a number of other states.

New political terms were coined to suit the new ideas. The Aitareya Brāhmaṇa applies the terms Samrāt, Bhoja, Virāt and Rājan to the rulers respectively of the east, south, north and the middle

¹⁵ Suda, J. P. *Ancient Indian Political Thought and Institutions*, p. 41

country, and reserves the term *Ekrāṭ* and *Sārvabhauma* for those who had conquered the kings in four directions.¹⁶ The increase in the royal power, due to the growth of large territorial states, is duly reflected in the enlarged entourage of the king, and the splendour and majesty of the king found expression in new theories about his power and dignity. The king gained the titles of *Adhipati*, *Prthvipati* etc.

The theory of imperialism, side by side with the urbanisation of the cities, led to the rise of far more greater and wider units than the *Janas*, fighting among themselves for supremacy. These units were called the *Janapadas* or the *Mahājanapadas*.

Among the *Janapadas*, *Magadha* came out to be the most powerful in completing its imperialistic ideas and by 450 B.C. a large *Magadhan* empire was set up. Literally, an 'one-umbrella' empire covering the whole of north India except the Punjab was created. The rise of powerful kingdoms gave rise to the theories regarding Inter-state relations.

OWNERSHIP OF LAND : ITS IMPACT ON ROYAL AUTHORITY

In the *R̥gvedic* period, cultivation was of shifting character and accordingly arable land was held only in temporary possession and the land thus held was owned by the whole community. With the rise of the *Janas* and later on the *Janapadas*, settled agricultural life and application of intensive methods of cultivation, growth of stabilized life and more demand for land, arose the question of land ownership. The *Kulapatis* ruling the tribes were gradually replaced by the monarchical form of government. Now a single person i.e. the king ruled the whole *Jana* or *Janapada*. He was given the epithets of *Prthvipati*, *Bhūmipati*, *Paṛthiva* etc. and was regarded as the sole owner of the land or soil. Did the king actually own the whole land? Opinions differ regarding the ownership of land in ancient India.

16. Majumdar, R.C. : *Ancient India*, p.75.

Manu speaks of the king as the ultimate lord (Adhipati) of the land¹⁷ Kautilya speaks of the royal rights over land¹⁸ Megasthenes, while describing the seven castes writes, 'The second caste consists of the husbandmen who appear to be far more numerous than the other', they devote whole of their time to tillage, they pay a land tribute to the king, because all India is the property of the Crown"¹⁹ Diodorous states that land in India is the property of crown and no private individual is permitted to own it Bhattasvāmin, the commentator on the Arthasāstra, quotes a verse averring that private ownership can have no application in the case of land, tanks and water pools²⁰

U N Ghoshal observes that the land system described by the Arthasāstra and Megasthenes i.e., the absolute control of the king over soil, is as same as the system in European countries of Hellenistic times Further, he is of the opinion that there was an absolute ownership of the king over land, although the situation might be different

The king's ownership over land, however, cannot be sustained The R̥g Vedic²¹ evidences show that as a guardian of his people he could claim his tribute from his subjects Nothing more is said of his being the owner of the soil Later, in the Atharvaveda,²² we find prayers for the grant of a share in villages to the king, and this shows that he was not regarded as the sole owner of the villages (land), but that the people granted him some land for the maintenance of his authority and dignity "The evidence of this hymn", observes Bandhyopadhyaya, "may be relied upon and there could have been

17 Manu 8.39

18 AS 2.1.2

19 Megasthenes Fragment 33

20 AS 2.1.3

21 RV 10.173

22 AV 4.22.2

hardly any room for this prayer, if he was already the master of the soil."²³

Kautilyan description of the royal rights (rights over waters, over unoccupied waste, over mines, forests and treasure troves) shows not the ownership, but only the prerogatives enjoyed by the king. There was no need to specify the rights, if the king was regarded as the owner of the soil. The Arthaśāstra also clearly differentiates between the crown lands and the private lands.²⁴ The royal estates were managed by state officers. They could also be leased to the farmers. The Arthaśāstra recognizes law of sale of private property of land.²⁵

The state had the right to own disputable land, but this was again in a form of prerogative. According to Purvamīmāṃsā the land is not to be given to anybody because it is common to all. This is stated in the course of a discussion as to the things that may be given away as sacrificial fees at the Viśvajit sacrifice, where a sacrificer is required to give away all his belongings. Commenting on this text Śabarswāmī formulated a principle, which was supported by other Mīmāṃsā writers. "Men enjoy lordship," he says, "with respect to field, but not with regard to the whole earth (land)".²⁶

The paramount ruler is in this respect on the same footing as other men, the only difference between them being that he is entitled over and above to a certain share as his remuneration for protecting his people. He was not entitled to even tax his people, if he failed to protect them. The maxim, "No taxation without protection", was advocated.

The Aitareya Brāhmaṇa gives us a story in which king Viśvakarman Bhauvana wants to offer the earth to his priest as his

23. Bandyopadhyaya, N. C. : *Economic Life and Progress in Ancient India*, p. 180.

24. AS. : 2.24.2, 16-17.

25. Ibid. : 2.24.1-2.

26. Purvamīmāṃsā : 6.7.3.

fees in the Sarvamedha sacrifice. The earth protests and says that he cannot give her away as the land belongs to all.

Nārada states, "a householder's house and his fields are considered as two fundamentals of his existence, therefore, let not the king upset either of them, for that is the root of the householders"²⁷ The donation, reference of which is found in the Jātakas, of pleasure gardens by the physician Jīvaka at Rājagṛha, by the courtesan Āmrāpālī at Vaiśālī and above all by merchant Sudatta (surnamed Anāthapīṇḍika) at Śrāvastī, (in the last example the garden is granted by the donor after purchase from Prince Jeta) furnish the instances of transfer of private property. Many such examples of existence of private property are found in the ancient Indian literature. All these evidences clearly indicate that the ownership of arable land was vested in the peasant proprietor and not in the state. P. V. Kane states, "the ownership of arable land was vested in the cultivator himself and the king was only entitled to demand a certain share of the produce. It may be conceded that the land, that was waste or not cultivated by anybody was deemed to belong to the king"²⁸ This statement of Kane makes it clear that the land which was not owned by anybody belonged to the ruler.

Kātyāyana, the law-giver, deals with the subject (of ownership) in these words²⁹, "when the king is called the Svāmīn (master) of the land and in no case of any other wealth, he only becomes entitled to receive the one-sixth share of the produce from it, not (that he is master) in any other way. The mastership, which is connected with him on account of population thereof by living beings, is the one sixth share arising from their acts whether good or bad." The Gupta title deeds inscribed on copper plates and registered at the District

27 Nārada 2.42

28 Kane, P. V. History of Dharmasāstras, Vol. 2 Pt. 2 p. 868

29 Jayaswal K. P. Hindu Polity, Pt. 2 pp. 347-348

Officer's office, whose seals they bear, clearly prove private ownership.

The *Rājapadaḍāna* (the vesting of the authority) ritual of the coronation ceremony of the king reflects the idea that the king was not the lord of the land. The land was entrusted to him for its prosperity and protection.

The fact that the king was not the owner of the land, but only its trustee, was a great check on the power of the king. The king could not misuse or exploit the land in the way he pleased. He could not mistreat his people. He could not take away their lands by force. The people, on the other hand, when not properly protected, could threaten to leave his country or refuse to pay him taxes. It is true, that in the times of emergency, he could order the peasants to grow more crops and tax them heavily, but in ordinary circumstances, he could not levy heavy taxes on the people.

INTER - STATE - RELATIONS

India in the ancient times, was divided into a large number of states. The relations between these states (the inter-state relations) were mainly guided by these principal factors- preservation of both internal and external sovereignty of a state, aggressive designs motivated by the ideal of *Cakravartin*, defence and economic factors. Each state, in ancient India, for most of the time claimed and enjoyed both internal and external sovereignty.

The concept of external sovereignty was well-established in the Hindu Philosophy of state. The Hindu thinkers not only analysed sovereignty with regard to the constituent elements in a single state, they realized also that sovereignty is not complete unless it is external as well as internal, i. e. unless the state can exercise its internal authority unobstructed by and independent of other states.

The problem of defence of a state is intimately bound up with the question of its foreign relations. It is from the hostile states that a state

requires to be defended. To quote J. P. Suda, "The relations in which one state stood to the other were determined by two factors. One of them was its very natural and strong desire to preserve its 'integrity and independence' and the second was no less natural and powerful impulse to grow and extend its sway and hegemony over other states. It is a law of nature that nothing stands still, everything either grows and expands, or declines and perishes. The state is as much subject to the operation of this law as any other entity, if it makes no effort to expand its power, territory and influence, it is bound to decline and fall a victim to the aggressive designs of its neighbours."³⁰ Smṛtis also declare that when a king feels that his army is strong and kingdom prosperous and notices that the case is reverse with his opponents he is at liberty to declare war against them.³¹ Self preservation and acquisition of other's territory justified all means.³² Acquisition of dominion was another measure of ensuring safety. Gearing of foreign policy to the fundamental objective of progress (Vṛddhi) is explained in the terms of king's promotion of his own interests at the expense of his enemy as well as the invigoration of his own military and political position to the enemy's detriment.³³ The maintenance of external sovereignty and the desire of expansion, and the ideal of Cakravartin (Universal dominion) also gave an impetus to warfare. Prima facie, every state would tend, as it were naturally, to encroach upon the neighbours. The result was almost incessant warfare or readiness for war which was bound to influence the structure and working of governmental institutions.³⁴

The inter-state relations were also partially shaped by the objective of the economic development of waste-lands. Not only aggression, but treaties were also made to make use of not only the

30 Suda, J. P. *Ancient Indian Political Thought and Institutions* p. 199

31 Manu 8.171

32 Bhambhani C. P. *Substance of Hindu Polity* p. 157

33 Ghoshal U. N. *A History of Indian Public Life* pp. 58-59

34 Prasad Beni. *State in Ancient India*, p. 4

waste-lands, but also of the land rich in soil (and thereby in agriculture), important trade-routes and valuable mines.

The incessant wars meant destruction of authorities of smaller and weaker states and increase in the strength of those who were strong. This could disturb the balance of power and lead to strained relations among the states and constant danger to one's authority. The ancient thinkers, therefore (knowing that war could not be altogether tabooed), tried to minimize its chances by advocating a judicious balance of power among the states. The well-known *Maṇḍala* theory of the *Smṛti* and *Nīti Śāstra* writers is based upon this principle.³⁵

MAṆḌALA THEORY : BALANCE OF POWER

Śukra says, "great misery comes of dependence on others. There is no greater happiness than that of self-rule".³⁶ The doctrine of self-rule (*Svarājya*) implied in this conception of external sovereignty was obviously the foundation of the theory of the state in relation to other states. It is natural for every state to be either friendly or hostile to the neighbouring state. On account of proximity, the states have to come into contact with one another for various reasons and take to 'courses of action' of various kinds according to the circumstances. For facility of consideration of the steps that should be taken by a state in particular situations, the ancient politicians found it convenient to carry on their deliberations on the footing of a '*Maṇḍala*'. As a result of their political experiences, they saw that ordinarily for the solution of the problems, that arise out of the relations of a particular state with its neighbours, it might be sufficient for the purpose of deliberations that twelve types of neighbouring states can be taken as constituting the state circle. The *Maṇḍala* was looked upon as composed of twelve states. It should be borne in mind that the

35. *AS.* : 6.2, 1-28; *Kāmandaka* : 8.45.

36. *Śukra* : 3.323.

Maṇḍala is but a framework of particular states in particular settings with special nomenclature to indicate their peculiarities

The authors of the treatises on polity have affixed a special name to each of the type of states included in the state circle. For the sake of convenience, one of the states is taken as the starting point of their deliberations and is called *Vijigīṣu*. If we put too much emphasis on the root meaning of the term *Vijigīṣu* (bent on conquest) we would miss the sense in which the term has been used in connection with the *Maṇḍala*. It would be an error to suppose that the term signifies a sovereign who desires to be victorious in a battle. In fact, however the sovereign who becomes the centre of deliberations of the politicians regarding inter-state affairs at a particular time is *vijigīṣu*.³⁷

In the centre of the *Maṇḍala* (circle) was the *Vijigīṣu*. In order to determine alliance or hostility to him, states were assessed on their proximity to the *Vijigīṣu*. A state might well find itself in a dual role if more than one king decided to extend his territories at the expense of the surrounding weaker states. The *Vijigīṣu* should be fully prepared for war and have all good qualities of a ruler.³⁸

In the first instance the *Vijigīṣu* was surrounded by enemy states. It is of course, the case when states are aware of an intended conquest, those around the invader are first to be attacked and are therefore natural enemies.

C. P. Bhambhari³⁹ is of the opinion that neighbours could be friends. The picture of friends and foes as enunciated by this theory might not have been always the same. Circumstances play an important part in determining relationship between two states. Bhambhari's contention cannot be upheld because the ruler whose territory is immediately contiguous to that of the *Vijigīṣu* would be inimical to the latter because both of them are likely to follow the

37 Chhangani S P *Inter state Relations in Ancient India*, p 5

38 AS 62 13

39 Bhambhari C P *Substance of Hindu Polity* p 116

same policy of expansion. The relations of neighbouring states are usually hostile. According to P. V. Kane, "The theory of Maṇḍala has this element of truth in it that on a calculation of probabilities the kings who are the immediate neighbours of a ruler are likely to be his enemies (at least potential) and the kings that are beyond the immediate neighbours may make common cause with the central state taken for discourse in order to crush between them a hostile intermediate state."⁴⁰

The theory holds that there is a hypothetical tug of war always being sought between the Vijigīṣu⁴¹ and his Ari (enemy). these two are combatants or belligerents. Alongwith these two are counted another two states in order to furnish a logical completeness to the hypothesis. According to Manu⁴² and Kāmandaka⁴³ the group of four consists of-

- (1) Vijigīṣu – the aspirant 'mewing his might' bent on 'conquering and to conquer'. (root meaning). In fact, the centre of deliberations in the circle of states.
- (2) Ari – the enemy situated anywhere immediately on the circumference of the aspirant's territory.
- (3) Madhyama – intermediary, capable of helping both the belligerents whether united or disunited or resisting either of them individually.⁴⁴
- (4) Udaśīna = neutral – is very powerful and capable of helping the aspirant, the enemy and the Madhyama, together or resisting any of them individually.⁴⁵

40. Kane, P.V. : History of Dharmasāstras, Vol. 3, p.222.

41. Kāmandaka : 6.20.

42. Manu : 7.156.

43. Kāmandaka : 6.20.

44. Chhangani, S.P. : Inter-State Relations in Ancient India, p.4.

45. Ibid. : p.5.

According to Kauṭilya the kings were classified into twelve kinds in the Maṇḍala theory⁴⁶ Somadeva also agrees with the classification of Kauṭilya⁴⁷ These are Vijigīṣu, Ari, Mitra (friend) Ari-mitra (enemy's friend), Mitra – Mitra (friend's friend), Ari-Mitra-Mitra (friend of enemy's friend), Pārṣṇigrāhā (rear enemy), Ākrāṇḍa (rear friend), Pārṣṇigrāhasāra (rear enemy's friend) and Ākrāṇḍasāra (rear friend's friend)⁴⁸

Ordinarily, causes of friction arose frequently between two adjacent states. On the strength of this fact adjacency has been taken as productive of enmity between the Vijigīṣu (the sovereign, the strength of whose position is weighed through the scheme of the Maṇḍala) and the Ari (the sovereign against whose position the strength of Vijigīṣu is weighed), following this principle of adjacency as a prolific source of enmity, the neighbour of Ari is hostile to him and, therefore, friendly to the Vijigīṣu, is called the Mitra of the latter. Then comes Arimitra, The state next to Ari-mitra is Mitra-mitra, while the next is Ari-mitra-mitra. The name of Pārṣṇigrāhā has its origin from the chance of his attacking the Vijigīṣu from the rear when the latter is engaged in active hostilities with the Ari. The next in chain is the Ākrāṇḍa i.e., the sovereign adjacent to Pārṣṇigrāhā and therefore hostile to him and in consequence friendly to the central state. The friend of Pārṣṇigrāhā is Pārṣṇigrāhasāra, i.e. who hastens towards Pārṣṇigrāhā (for helping him) and the Ākrāṇḍasāra (one who hastens towards Ākrāṇḍa to help). The Kāmandakanīti designates as enemies any two persons eager to have the same object⁴⁹

The special feature of the Madhyama and Udāsīna states is not their attitude towards the Vijigīṣu or Ari but their strength

46 AS 6.2.23-30

47 Nītivākyaṃgīta 29.20

48 Manu 7.177-180, Kāmandaka 8.14

49 Kāmandaka 8.14

The constituent elements of the state were seven in number—Swāmī, Amātya, Janapada, Durga, Koṣa, Daṇḍa and Mitra. The Swāmī taken as Vijigīṣu and Mitra as an ally, there remain five elements. Since each ruler possessed five elements of sovereignty, each circle had 3 rulers (the Vijigīṣu, his friend and friend's friend) + 15 elements = 18 elements; and, therefore, four circles (1) of Vijigīṣu, (2) his enemy (3) Madhyama king (4) Udāsīna king had $18 \times 4 = 72$ elements. We thus have four primary circles of states, twelve kings and sixty elements of sovereignty and thus seventy two elements of the circle.⁵⁰

The central idea of the Maṇḍala was to keep a balance of power in a circle of states: some being friendly among themselves owing to their position and surroundings, while the others would form an antagonistic view. The ruler of every state in the Maṇḍala can have same aspirations as of the Vijigīṣu; there is nothing to prevent any king from aspiring high. The natural result of this desire would be a perpetual struggle between kings for securing hegemony. One of the ways out of this unpleasant prospect of the operation of Matsyanyāya (i. e., might is right) is to see that no state becomes so powerful as to become menace to the freedom of others. The other name for this is balance of power. The objective of foreign policy, we are told, is progressive advance from a condition of Decline (Kṣaya) to that of Equilibrium (Sthāna) and thence to that of Progress (Vṛddhi).

It also points out that foreign policy of any state must be based on careful assessment of resources and support available to the state and its enemies. In other words, the policy-making of a particular political system should virtually be based on the correct assessment of inputs supplied by the environment to the system itself, as well as the

50. Sastore, B.A. : Ancient Indian Political Thought and Institutions, pp 475-476.

prevailing inputs of other contemporary political systems which may enter into some kind of inter-action with the former⁵¹

It was a problem for the *Vijigīṣu* how to manipulate the members of the *Maṇḍala* to the best promotion of his interests by all possible combinations and permutations. He was to follow such policies that would weaken his enemies and strengthen his own position as well as of his ally. A 'course of action' was to be determined in the midst of inter-state relations represented in the *Maṇḍala* theory. *Nārada* advises the king to destroy his enemy by diplomatic ways and to make peace and wars at opportune moments. A successful ruler was considered to be the one who depended on the art of diplomacy to secure the ends of the state. The *Ṣaḍgūṇya* or the six-fold policy and the *Upāya Catuṣṭaya* or the four expedients were the important parts of the art of diplomacy and courses of action through which a king could maintain his inter state relations. Their importance lies in the fact that they could make or mar a kingdom. The king or the *Vijigīṣu* had to choose the suitable one from these courses of action or their combinations which would suit him in the circumstances he ruled. A wrong course of action taken, could shake the very foundation of his kingdom, while a right step in inter-state relations could lead to progress and expansion of his kingdom.

The *Ṣaḍgūṇyas* and the four *Upāyas* played an important role in determining the authority of a state in inter-state relations.

ṢAḌGŪṆYAS OR SIX-FOLD POLICY : SANDHI

Kautilya has given the name *Sandhi* when two states mutually make relations on certain agreements to help each other⁵². The general rule is that when one is weaker than the enemy, *Sandhi* is the

51 Sharan P. *Ancient Indian Political Thought*, p. 523

52 AS 7 t 6

policy to be followed. When a king found that by suffering a little temporary humiliation, he could secure a large benefit to himself later, he was advised to enter an entente (Sandhi) with his enemy. This entente was brought about either by ceding some part of territory or by giving away some money or by surrendering some soldiers of the army to the enemy.

VIGRAHA

The policy of Vigraha means a state of hostility.⁵³ Vigraha is a diplomatic contest and is but a means to the end viz., to avoid regular war. Kautilya attaches more value to diplomatic struggle than to an armed contest which goes by the name of Sangrāmika.⁵⁴ If the king found all the limbs of the state strong enough and thus himself sufficiently powerful he was advised to declare war against the enemy.⁵⁵ But the opportunate time for undertaking the expedition was to be taken into consideration.

ĀSANA

The policy of neutrality or equilibrium (Āsana)⁵⁶ was to be adopted when a king found that his own forces were still unprepared. The enemy was to be placated and flattered to gain time for preparation. According to Manu⁵⁷ Āsana is of two kinds :-

- (1) When a king is forced to adopt a policy of Āsana owing to some irony of circumstances or owing to his bankruptcy resultant from his deeds committed in his previous birth.
- (2) When a king adopts a policy of neutrality being so requested by another king.

53. Kangle, R.P. : Kautilya's Arthasāstra, p.253.

54. AS. : 10.3.1-2.

55. AS. : 7.1.14, Sukra : 4.234.

56. AS. : 7.1.15, Sukra : 4.236.

57. Manu : 7.166.

Kauṭilya⁵⁸ says that *Sthāna* i.e. keeping quiet, *Āsana* i.e. withdrawal from hostility and *Upekṣa* i.e. negligence, are synonymous. It, therefore, follows from what has been stated above that a policy of neutrality did not always take the same form. On the contrary, it found expression in different ways. Thus when a conflict went on between two parties a state could keep quiet and take no part whatsoever in it. A state could as well proclaim its neutrality after having withdrawn hostilities.

YĀNA

Kauṭilya⁵⁹ recommends *Yāna* (preparedness for attack) for a stronger king against the weaker. A king was to march (*Yāna*)⁶⁰ his army only when he found that the enemy was weak and unprepared. If the *Vijigīṣu* finds his enemy beset by troubles, and his subjects disaffected and disunited, and his kingdom ravaged by pestilence and other ills then he may attack (*Vigraha Yānam*). He could again take resort to *Yāna*, if he found his allies in front and in the rear of his enemy.

DVAIDHĪBHĀVA

If the king understands that he will fulfil his aims by making treaty with one king and *Vigraha* with another and would destroy the plan of his enemies, he should follow the policy of *Dvaidhībhāva*.⁶¹ The *Dvaidhībhāva* related to foreign relations, means practicing duplicity against one's enemies.

SAMŚRAYA

According to Kauṭilya it means 'support' and in its broader sense means seeking of the support of allies.⁶² This state of affairs emerges when a king feels that he has not the wherewithal to defend his

58 AS 742

59 Ibid 7116

60 Ibid 7133

61 Ibid 7211

62 Ibid 7210

kingdom against a possible attack of the enemy and also feels his inability to weaken the resources of his enemy or otherwise. In such circumstances, he would resign himself to the protection of his stronger ally.

The above policies were prescribed to maintain the balance of power. Though the term is a modern one, the principle was known to the ancient Indian thinkers. It was their only guiding force in inter-state politics. All diplomatic relations were determined by this. Manu has laid down, "The king who knows the rules of politics, knows to act in such a way, having recourse to all expedients, that his friends foes and neutrals are not superior to him, and no one is to be believed." Kulluka says in his commentary that a friend becomes a foe, out of lust for wealth. An able and wise monarch was to play with the forces in such a way that the resultant was inferior to his own power. He was to gain experience from the past and having gained experience, to think of the possibilities of the future and then to determine his course of action for the present.⁶³

UPĀYA CATUṢṬAYA : FOUR EXPEDIENTS

According to the Rāmāyaṇa⁶⁴, Manusmṛti,⁶⁵ Yājñavalkya⁶⁶, and Sukra⁶⁷, there were four Upāyas for a king to extend his dominion and to keep his hold on his own people. They were – Sāma (conciliation), Dāna (giving gifts or presents), Bheda (causing dissensions), and Daṇḍa (punishment of depriving of property or causing bodily harm). In some works as Kāmandakanīti,⁶⁸ Matsya Purāṇa,⁶⁹ Agnipurāṇa,⁷⁰ are found other three Upāyas – Māya, Upekṣa, and Indrajāla. Māya

63. Mukharjee, T.B. : Inter-State Relations in Ancient India, pp.93-97.

64. Rāmāyaṇa : Sundara, 41.2-5.

65. Manu : 7.109.

66. Yājñavalkya : 1.346.

67. Sukra : 4.27.

68. Kāmandaka : 17. 3-4.

69. Matsya : 222.2.

70. Agni : 226. 5-6.

means 'deceitful trick' Kāmandaka⁷¹ gives the example of Bhīma's meeting Kīcaka dressed as Draupadī, which was an example of Māyā. Upekṣa consists in not preventing a person from doing what is unjust or being addict. Indrajāla means creating illusion by means of incantation and other tricks, e.g. creating the illusion before the eyes of the enemy that a vast army is coming to attack him.⁷²

SĀMA

Sāma may be treated as the policy of appeasement. The application of this policy was recommended by Kautilya towards the conquered king in order to obtain his loyalty.⁷³ If the weak king could not be brought down by a policy of conciliation alone, the other means of Dāna might be employed with the passage of time.

DĀNA

If the policy of Sāma did not produce the desired effect, then Kautilya's advice was that the Vṛjigṛīhu should follow the policy of Dāna – meaning gifts awarded in the shape of wealth to avert the fear caused by the enemy. Kautilya recommended that the policies of Sāma and Dāna were to be applied to inferior kings and towards the discontented subjects so they might not be attracted towards aliens.⁷⁴

BHEDA

When a king weakens the enemy or his allies by sowing the seeds of dissension, the policy is known as Bheda.⁷⁵ It is the policy of 'divide and rule'. A kingdom is apt to be troubled by internal dissensions as well as by external aggression. To conquer an enemy, it is necessary to create division among his kinsmen or among his subjects and to attack him when they are disunited, and again if it were a confederation of the enemy and his allies, the invader must use

71 Kāmandaka 17.54-55

72 Ibid. 17.58-59

73 AS 7.16.6

74 Ibid. 7.15.3

75 Manu 7.198. Agni 241.56-57

his full power among the different members of the confederation and strike him at the psychological moments, when he hears of a division in their organized effort. The republic of Vaisālī was won over by Ajātsatru by following this policy.

DANḌA

Danḍa means the use of force. When a king troubles his enemy through the robbers (Dasyus), drains away his treasury or grannary, watches his weak points, threatens him by his strong force and intelligent policy, and fights bravely against him at the outbreak of war, the policy is known as Danḍa. The Upāyas of Bheda and Danḍa were to be applied towards a strong enemy.

Manu⁷⁶ says that for the prosperity of one's kingdom Sāma and Dāna are preferred out of the Upāyas as mentioned above. But if the king's antagonists do not yield to him by the employment of the first three, then he may bring them round by Danḍa, and that Danḍa is to be employed as the last resort since the victory is not certain.⁷⁷ Kautilya enjoins that the conditions and circumstances of action must be weighed in the balance of Kṣaya (decline), Sthāna (status quo), and Vṛddhi (progress) before a course of action is to be undertaken.⁷⁸

MATRIMONIAL ALLIANCES

Matrimonial alliances also played an important part in shaping the inter-state relations. It not only helped in stabilizing the relations between two states, but also increased the strength and power of both. It was an art of diplomacy to make an enemy a friend. Several instances are found when a ruler had established matrimonial relations with another powerful kingdom. Candra Gupta II cemented a diplomatic alliance with the great Vākāṭaka king Rudrasena II by giving his daughter in marriage to him. Prabhākara Vardhan, flanked

76. Manu : 7.108-109.

77. Ibid. : 7.108, 200.

78. AS. : 6.2.5.

on the one side by the Huns and on the other by powerful Maukharī kingdom of Kannauj, formed an alliance with the latter in order that he might successfully fight the former. His political alliance was assured as it was concealed by a matrimonial alliance, when he gave his daughter Rajasrī to prince Gr̥havarman, son of Avantivarman, the ruler of Kannauj.

N K Siddhanta opines that Draupadī's marriage with Arjuna was not meant to be a political marriage. But the general idea of giving the king's daughters in marriage to the prince most skillful in arms, skillful enough to perform marvels of archery or swordsmanship, may have started with political aim, for such a prince would always be a powerful ally of the father — in law, especially in those days when personal valour was counted for so much.⁷⁹

WAR

War plays an important part in deciding the status and dignity of a kingdom. Due to the hostilities among the states the inter state peace is disturbed. According to the ancient Indian thinkers, when two opposite groups want to fight out the same cause and if the states do harm to one another the result is war.⁸⁰ The problem of defence, as such necessitated organized aggression and added to the frequency of wars.⁸¹ The *Mahābhārata*⁸² calls upon the ideal of not living upon the acquirements of others, by citing the story of Mucukunda who refused to accept the offer of entire earth made by Kubera, purely on the ground that it had not been acquired through his prowess, and it was against the ideal concept of kṣātrīya's to accept an offer of gift. The ideal of enjoying the fruits of self-made acquisitions through the

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79. Siddhanta, N K. *The Heroic Age of India*, p 187

80. Agni 240.4 AS 717

81. Misra, S. *Janapada State in Ancient India*, p 190

82. Mbh. Udyoga 73.4

strength of arms, as such, invariably added to the causes and frequency of wars. The aim of the royal power was not merely to maintain, but extend itself. The *Mahābhārata* states, "The king who does not offer the horse sacrifice incurs all the sins of the kingdom"⁸³ The ideal of every sovereign was the conquest of the whole earth (*Cakravartin*), thus war, which was the necessary means to it, was the supreme purpose of the hero.⁸⁴

WAR, A DECISIVE FACTOR

War, while it determined the authority of one king could threaten the same of the other. It is emphasized that attacking one's enemy was not seen as an activity separate from the management of kingdom, it was above all considered as a step towards the security of a king on the throne. It was a part of king's moral duty, *Rājadharmā*, to fight. As a snake swallows mice lying in holes, so the earth swallows these two : a king who does not fight and a *Brāhmaṇa* who does not go on pilgrimage.⁸⁵ Victory in war could lead to have not only enormous and valuable booty, but very often the expeditions contemplated a permanent source of revenue, for if a prince could once impose his suzerainty over another, he could expect an annual tribute from him.

WAR, A LAST RESORT

Though, to wage war, was regarded as the foremost duty of the *kṣatriya*, measures were taken to avoid war, so that the society could be saved from the disastrous after-effects of war. Though war was glorified, yet there was a natural reaction against war and a yearning for peace. *Yudhiṣṭhira* said that peace is better than war.⁸⁶ War was

83. *Ibid.* : *Sānti*, 8.35.

84. Renou, Louis : *The Civilization of Ancient India*, p 115.

85. *Mbh.* : *Sānti*, 23.15.

86. *Ibid.* 7.8.

also detested as it failed to solve the problems permanently. It was not a good basis for permanent peace.

War was not to be fought for war's sake. It was considered a necessary evil. It was a cardinal axiom of inter-state diplomacy in ancient India, that war was not to be undertaken for the purpose of aggrandizement, and when all other means and expedients of policy were completely exhausted and war became inevitable, then it was incumbent upon the *Vijigīṣu* to fight the war to a successful end.⁸⁷ Kāmandaka after mentioning the causes of war has suggested the means of pacifying them.⁸⁸ He said that one should as far as possible try to pacify the opposite party by other means other than war, because in war sometimes there is a total destruction. In war the allies, wealth, kingdom, one's own self and prestige are put into uncertainty. Therefore, war should be avoided.⁸⁹

According to the ancient thinkers war was full of evils and hence, they allow war only as a last resort⁹⁰ to be adopted when all the *Upāyas* have failed. Bhīṣma has reproached wars on his personal experience of life. Agreeing with Brhaspati says he, "A wise king should not undertake war with the motive of the expansion of his empire. The sagacity of a king lies in the fact that he achieves the same with the use of the other *Upāyas*, not through war." A king should obtain victory without war, as the same achieved through war has been criticized by ancient thinkers and Kāmandaka makes it quite clear that both the sides suffer greatly if a war is fought. Somadeva Sūri is against taking up of arms to solve any problem among the states. The differences that can be solved peacefully, should not be taken to battlefield. Manu says, "king should try to win over the foe by using the means of conciliation, bribe and fraud separately or

87. Krishnarao M.V. *Studies in Kautilya*, pp 148-149

88. Kāmandaka 10.26

89. *Ibid* 9.75

90. Mbh. Udyoga 32.13, Manu 7.107-108, Yājñavalkya 1.346

cojointly, but not by war, because in war victory and defeat are uncertain. Therefore, war should be avoided".⁹¹ War should be waged only when a king was to be punished for his offence. Even in Kautilya's account, where warlike methods are so crudely stressed, war is considered an inferior method, the aim being to attain the wished-for result with least risk.⁹² Even the great Epic wars had been fought as a last resort. These wars cannot be styled as acts of aggression. Rāma had sent his ambassador of peace to the king of Ceylon to return him his spouse. When the latter refused to do so, then only war was undertaken. Likewise Śrī Kṛṣṇa himself acted as a messenger of peace and mediator, to see that peaceful relations could be maintained between the Pāṇḍavas and the Kauravas. Only when Duryodhana persisted in his attitude of yielding not an inch of land without war, war was resorted to as an extreme measure.

CONVENTIONS OF WAR

Inter-state war thus being found inevitable, the ancient thinkers tried to minimize its chances by giving Maṇḍala theory of power balance; and tried to minimize its evils by recommending certain ethical principles of warfare.

The laws of war were humane and honorable. The canonists give us a list of persons exempted from being wounded or killed in warfare alongwith a paralled list of weapons forbidden in warfare. These rules constitute a landmark in the history of ancient India. For, they indicate the first notable attempt to humanize the brutalities of war by imposing a law of individual duties upon the fighting class.⁹³

The Mahābhārata says, "A king should never desire to subjugate countries by unrighteous means even if it make him the sovereign of the world".⁹⁴ To this fact Megasthenes bears eloquent testimony.

91. Manu : 7.109.

92. Renou Louis : *The Civilization of Ancient India*, p.115.

93. Ghoshal, U.N. : *A History of Indian Public Life*, p.151.

94. Mbh : Sānti, 96.12.

Says, he, 'Whereas among other nations it is usual, in the war to ravage the soil and then reduce it to an uncultivated waste, among the Indians, on the contrary, the tillers of the soil, even when the battle is ravaging in their neighbourhood, are undisturbed by any sense of danger Besides, they neither ravage an enemy's land nor cut down its trees' ⁹⁵

The organization of war had become an art of game, which was to be played according to certain specific rules and principles Unequal fighting was strictly prohibited ⁹⁶

OVERLORDSHIP, NOT ANNEXATION

(the motive of Dīgviyaya – conquering of all quarters)

The ideal of Cakravartin refers to the highest ideal offered to a king, the ideal of universal dominion The Aśvamedha and Vājapeya sacrifices being prescribed by the Vedic texts, even the idealistic school of the political thinkers could not disapprove of an expedition of conquest, the Dīgviyaya or the conquest of four quarters However, the motive behind Dīgviyaya was not that of annexation The aspect of humanity that lay behind it was that the king, who was out for a Dīgviyaya, was to remain content with the formal recognition of his suzerainty and the payment of tribute by the conquered king ⁹⁷, he was not to annex his kingdom or disturb its administration Specifications of the duties of the conquerors are chiefly notable for their mildness to the vanquished kings This is in accord with the assumption that the king's object was not to create a territorial empire but to secure himself against the other king in the area by conquest and diplomacy, It was the empire of glory, not of square miles ⁹⁸

After the conquest of a territory the defeated monarch was usually allowed to continue as ruler, but if he refused to submit or was killed

95 Megasthenes Fragment 1

96 Mbh Śānti 96.7

97 Raghuvamśa 3.43

98 Mabelt, t W Truth, Myth and Politics in Ancient India, p.37

in battle, another prince of that royal family was to be placed on the throne. Manu warns the conqueror not to seize the conquered lands.⁹⁹ According to Viṣṇu the old dynasty of a conquered country should be maintained unless it is of ignoble descent. As far as possible, a conqueror should invest a prince of the same line with 'royal dignity'.¹⁰⁰ The vanquished rulers were recognized as the de-facto as well as the de-jure rulers of their kingdom. Their autonomy was not greatly disturbed. The only limitation to their independence was that they had to owe allegiance to the paramount king, either in the form of tribute or personal service. The vanquished kings often served as provincial officers. These tributary states were independent in domestic and foreign policies, save for their duties of homage on ceremonial occasions and their obligations to assist their lord in the time of war. As a feudatory he was under constant supervision. "Universal sovereignty", remarks Dreknier, "need be no more than the recognition of the hegemony of the conquering state".¹⁰¹ That this was followed in actual practice is proved by various illustrations. We come to learn from the Allahabad Inscription that Samudragupta had re-installed the defeated kings (though he had annexed some of the kingdoms, but their number was smaller than those who were restored and allowed to rule) to rule under his royal insignia, meaning mere imposition of suzerainty. In their expedition the Pāṇḍavas were content with submission and tribute; there was no annexation. The Junagarh Inscription refers to Rudradāman as the re-instater of kings who had lost their kingdoms.¹⁰² Son of Śiśupāla was installed on the throne after the death of his father.¹⁰³

Not only the vanquished king was re-instated on throne he was also granted remissions and a policy of conciliation was adopted

99. Manu : 9.251.

100. Viṣṇu : 3.47.

101. Dreknier, C. : *Kingship and Community in early India*, p.270.

102. Kamandaka : 8.6.

103. Mbh. : Sabhā 45.36.

towards the people of the conquered country. The conquest of the world did not mean the extinction of existing kings, but merely the acknowledgment of suzerainty.¹⁰⁴ This theory of over-lordship was advocated with a view that the centralization of a vast empire could lead to disintegration. It was not possible for the sovereign to control a vast empire on his own with the defeated kings (or their followers) always ready to raise their heads against him. The installation of a prince of the victorious side could lead to unrest among the local population which could become a dangerous threat to the royal authority at the centre.

FEUDALISM

The feudal-system which formed an important aspect of inter-state relations was also a cause not only of strength but also of weakness of royal authority.¹⁰⁵ Subjugation of weaker kingdoms by a powerful king, not only extended the territories of that paramount sovereign, but also considerably contributed to his wealth, power and army. On the other hand presence of powerful feudatories in an empire was a sign of constant danger, threatening the very existence of the sovereign power. It could equally lead to the fragmentation of political power.

Feudalism may be conceived, as a form of society possessing well-marked features, of a development pushed to extremes of the element of personal dependence in society, with a specialised military class occupying the higher levels in social scale, a graded system of rights over land created by their subdivision and corresponding in broad outline to the grades of personal dependence, and dispersal of political authority amongst a hierarchy of persons who exercise in their own interest powers normally attributed to the state and which are often, in fact derived from its break up.

104 Śat. Br. 9.3.4.8

105 Rājataranginī 87

Speculations have been made that whether there existed any feudal system in ancient India or not. J.W. Spellman does not agree with the general view of the scholars that the feudal system had its existence in ancient India. He says that feudalism should be understood as a distribution of land in exchange for service within a kingdom, not as a system of tributary relations with other kingdoms such as Indians had. The feudal contract is voluntary, a promise of allegiance in return for tenure, whereas Indian tributaries were coerced by defeat or diplomatic pressure.¹⁰⁶

The view of H.N. Sinha in this connection can be summed up in the words that the co-existence of a paramount king and a number of vassal kings owing allegiance to him led scholars to think that the age was marked by feudal tendency. What seems to have existed in India of this age was not a system that was very near to feudalism, but one which we may better call an imperial system founded upon Digvijaya and diplomacy. The vanquished kings became the tributaries of the victors, and except for some limitations they were independent in their own kingdom. There was nothing like that of moral obligation which subsisted between the lord and the vassal in Europe, and which was founded upon the principle of Commendation.¹⁰⁷ A. L. Basham says that ancient India had a system of overlordship, which was quasi-feudal, though never as fully developed as in Europe and resting on a different basis.¹⁰⁸

The view of Basham is quite agreeable as the feudal system in ancient India was the system of overlordship, not only in connection with the conquered territories, but also in relation to the land endowed by the king. The conqueror, as we have already seen, was expected not to annex the territory of a king defeated by him, but to allow his state an autonomous existence under his overlordship, so did the

106. Spellman, J.W. : *Political Theory of Ancient India*, p.30.

107. Sinha, H.N. : *Sovereignty in Ancient Indian Polity*, p.259.

108. Basham, A.L. : *Wonder that was India*, p.94.

assignees of the lands enjoyed a great deal of autonomy while the suzerain acted as an overlord N C Bandyopadhyaya¹⁰⁹ attributes the growth of the landed – aristocracy to —

- (1) The customs of granting villages to faithful servants by the ruling prince
- (2) The grant of villages to the sacrificing priests and
- (3) The acquisition of superior rights by men of merit over equals

He further says, that of the first case we have no direct evidence, but it can be presumed that such gifts were common, since the princes thought of strengthening their own position by creating a band of faithful adherents. For the second, we find the evidence in Chāndgya Upaniṣad of a gift of a village by Janasruti to Kaikka when the latter agreed to teach him about the deity he worshipped, and it was out of such gifts that there arose a class of rich Brāhmaṇa land-lords, the Mahāśrotṛīyas or Mahāśālas first mentioned in the Chāndogya Upaniṣad. Regarding the third point he quotes the evidence of the rites from Taittirīya Saṁhitā, performed to gain mastery over villages. The chief interest of the evidence of these passages he says, lies in the fact that these village-lords attained the position by acquiring pre-eminence over equals.

Evidences of the presence of feudal lords of both the categories are found in literature and epigraphs. "An aspect of state administration", writes Ghoshal, "which is frequently reflected in the Jātakas, relates to the assignments of land and even of villages by kings. Such assignments were made in favour of the members of royal family, Brāhmaṇas (Agrahāra) and officials"¹¹⁰

In subsequent period such gifts became common and this contributed to the growth of Mahāśālas whom we find in the Upaniṣads and early Buddhist literature.

109 Bandyopadhyaya, N C. *Economic Life and Progress in Ancient India*, p 186

110 Ghoshal U N. *A History of Indian Public Life* pp 92-93

Beniprasad declares that the word *Rājanya* in the *R̥gveda* denotes both royal and noble families. A king was often surrounded by a number of nobles perhaps only claiming a similar social status.¹¹¹ He further says that it appears that *Rājans* themselves sometimes came forward for some reason or other to select an overlord. The *Sabhaparvan* has it that *Rājans* selected *Jarāsandha* to be their lord because he was the most powerful of all.¹¹²

The coins and inscriptions of *Rudradāman* record that he deposed and re-instated many *Rājās*.¹¹³ It appears that the assumption of the higher title was the symbol of recognition of suzerainty. The rule of *Kṣatrapas* and *Mahākṣatrapas* seems to form a part of the federal-feudal conditions obtained in India.¹¹⁴ In the *Śunga* empire there were kingdoms ruled by subordinate royal dynasties like those of *Ahichatṛa*, *Bharhut* and *Mathurā* etc. The *Sātavāhana* political functionaries provide one of the earliest instances of the use of the title of *Mahā* or great which came to be widely associated with the designation of the *Gupta* princes, officials and feudatories. There occur other designations as *Mahāsenāpati*, *Mahārathi*, *Mahābhoja* etc., which are considered to be the epithets of the feudatories of the *Sātavāhanas*.¹¹⁵ The most striking developments, under the *Guptas*, was related to the grant of fiscal and administrative immunities to the beneficiaries and to the establishment of relations with the subjugated princes called feudatories. "The most striking fact", writes Beniprasad, "that emerges from the study of the *Gupta* inscriptions is that the empire was dominated by feudalism and the very idea of a kingdom had become that of a feudal-federal organization."¹¹⁶

111. Prasad, Beni : *State in Ancient India*, p. 311.

112. *Ibid.* p.8.

113. *El.* : 8 No. 6; *IA* : 7 p.257.

114. Prasad, Beni : *State in Ancient India*, p.226.

115. *Sel. Inscr.* : 2 No. 85, 11, 2-3.

116. Prasad, Beni : *State in Ancient India*, p.285.

In the Vākāṭaka empire there were kingdoms under ruling dynasties like the Meghas of Kośāla, Nalas of Berar etc.¹¹⁷ The Vākāṭakas are spoken of as feudatories of the Guptas, under Samudragupta. Mention is made of "princes of marches" who pay tribute, submit to requisitions or levies of troops and obey the rigorous orders of the emperor.¹¹⁸ The evidence of Yuan Chwang, Bānabhaṭṭa and the inscriptions point to the fact that Harṣa and Pulakeśin II, who represented the two biggest and most important power circles, claimed some sort of hegemony over the less powerful suzerains.

The nature of feudal system changed from time to time. It is thus, an admitted fact that feudatories or semi-independent states existed in large numbers in ancient India. But the status and powers of the feudatories in different parts and periods were not the same. The important feudatories were entitled to the use of feudal throne, fly whisk, Pālaquin, and elephants. They were also authorized to the use of five musical instruments Śṅga (horn), Śankha (conch), Bherī (drum), Jayaghantā (bell of victory) and Tamāṭa (?), a privilege that was conferred by the imperial power. Some of the feudatories of the Sātavāhanas, styled as Mahārathīs not only bore metronymics like the Sātavāhanas but also enjoyed hereditary status,¹¹⁹ enabling them to issue coins and grant villages in their own right.

Śukra¹²⁰ gives an interesting account of the grades and incomes of the different feudatories. Lowest in the rung of the ladder the Sāmānta, had an yearly revenue of a lakh of silver Kārsās, roughly equal to Rs. 40,000 of modern days. Then came the Māṇḍalikā with an income of 10 lakhs, Rājā with a revenue of 20 lakhs, Mahārājā

117 Sinha, H. N. *Sovereignty in Ancient Indian Polity*, p. 257

118 Renou, Louis. *The Civilization of Ancient India*, p. 93

119 *Sel. Inscr.* 2 no. 85 II, 23

120 Śukra I 183

with that of 50 lakhs. Samrāt with a revenue of a crore, Virāt with a revenue of 10 crores and Sārvabhauma with a revenue of 50 crores.

LORD-VASSAL RELATIONS

The relations between the sovereign power and the feudatories depended largely upon the power of the central authority to control the subordinates and the personality and status of the feudal lords. A powerful but loyal vassal would be a great asset to the ruler. It was with the help of the Dāmaras,¹²¹ the landholding barons (both great and small) of Kashmir, as Kalhana informs us, that Cakravarman won his great victory over the Tāntrins.

General obedience to the imperial order was expected and exacted. The feudatories were usually required to acknowledge their subordinate position in the official charters they issued by mentioning the name of the emperor first. Usually, they could not issue their coins. Attendance at the imperial court was required not only on ceremonial occasions, but also at periodical intervals. Epigraphs and literary works usually describe the imperial courts as teeming with feudatories who come to pay personal homage to the emperor. A regular tribute had to be paid, sometimes it was sent to the imperial capital, sometimes emperors used to collect it during their tours.¹²² Special presents were also expected on the occasions of festivities in the imperial household, like marriage or the birth of a son.

A vivid description of the obligations carried out by the feudatories is found in the Allahabad Pillar inscription of Samudragupta. The kings who had been reduced to the feudatory status, were granted imperial charters regranting them their territories. They were required to pay all kinds of taxes, obey his orders, and to come to perform obeisance. These feudatories pleased the Gupta

121. They were the land-owners (vassals) as well as ministers.

122. 1A. : 11.p. 126.

emperor by offering their own persons for service to him and bringing presents of maidens (their daughters)

The feudatories had to supply a certain number of troops to their lord to participate in his imperial campaigns Kalacuri prince Sodhadeva (C 850 A D) participated in the Bengal campaign of his suzerain Mihira Bhoja ¹²³ The Cālukyas of Vengi had to supply forces to the Rāṣṭrakūṭas in their wars against the Gangas of Mysore in 9th century ¹²⁴ The Rājatarangīnī States that the feudal lords were always expected to help the suzerain in the times of war ¹²⁵ The inscriptions and the writings of Yuan Chwang and Bāṇa throw some further light on the lord-vassal relations The vassals adorned the court of the suzerain and used to send their sons to act as pages at his court and palace They assisted him with their forces in war Rājyavardhana starting his campaign against the Huns was attended by feudatories with their forces ¹²⁶

Vassals specially favoured by the suzerain were given further honorific titles as Sāmānta Cudāmani ¹²⁷ The feudatories were often employed as Provincial Viceroys and incharge of other chiefs by the paramount king The Kholi copper-plate of Mahārāja Saṁskhobha records that Mahārāja Hastin was placed in charge of 18 forest chiefs For the sake of honour, often they were associated with the administration of his (Sovereign's) original dominion ¹²⁸

The feudal lords enjoyed full internal autonomy They could create their own sub-feudatories, appoint their own officers and take taxes They could exercise administrative and judicial powers, but with the king's permission These powers were, however, revocable by the king for the misuse of authority The feudatories were also not

123 EI 12 p 101

124 Altekar A S State and Government in Ancient India, p 305

125 Rājatarangīnī 7 48

126 Prasad Beni State in Ancient India, p 350

127 Ibid p 289

128 Sinha, H N Sovereignty in Ancient Indian Polity XXI

authorized to alienate or grant their land to others. The fact that Svāmīdāsa (Indore inscription A. D. 397) was empowered to endorse the religious grant made by an individual in his jurisdiction suggests that as a feudatory he himself could make religious grants without royal consent. Significantly enough, the Gupta empire hardly knows of any grant of village or land made by the feudatories without royal consent, all such grants being confined to the periphery of the area in the outlying regions whose chiefs owed only nominal allegiance to the imperial Guptas.¹²⁹ A representative of the imperial power stayed at the court of the feudatory rulers to watch its interests. He exercised power of general control and supervision. Feudatories, who had rebelled and were defeated in war were subjected to a number of indignities. They had to surrender their treasure, horses and elephants as a punishment for their disloyalty. Often their principalities were taken over or annexed, usually for a short period. The feudatories, on the other hand, used to appoint a representative of their own at the imperial court to keep themselves in touch with the latest trends and developments.

Though the vassals enjoyed their privileges, the sovereign was required to keep control over them. Kautilya promulgated that strictest watch should be kept on the vassals, the *Sāmantas* as they are called. All their secrets must be ascertained through spies and through all other conceivable means, fair and foul. All the means might be employed to keep them disunited as unity would make them powerful enough to establish their own independent principalities. And that could shake the foundations of royal authority.

FEUDAL SYSTEM : A SOURCE OF WEAKNESS

If the feudatories were a sign of the power and strength of the sovereign, they could also endanger his position. The policy to permit

129. Sharma, R.S. : *Aspects of Political Ideas and Institutions in Ancient India*, pp 253-254.

defeated kings to rule as feudatories, no doubt protected vested interests and favoured local autonomy, but it also introduced a permanent element of instability in the body politic naturally, the feudatories were always cherishing the hope of throwing the imperial yoke one day. The imperial power could not disarm them because it needed their forces for the fulfillment of its own purposes.

No only this, in the system of administrative decentralization (which was quite prevalent in ancient India), if the central authority became weak, it could lead to the division of empire into small powers, always an invitation to the invaders. How little was the difference between the paramountcy and the vassalage, as Śmha puts it, is illustrated by the rise of the Āndhras who certainly were tributary to Aśoka, and after his death rose to paramountcy in a very short period.¹³⁰ The distance from the centre encouraged these lords to grow bold and in India the state was a great amoeba with segments regularly breaking off at frontiers to form new units. The feudatories often shifted their allegiance to a more powerful ruler.

The statement of Drekmier¹³¹ that in the period before the Guptas the term *Matsyanyāya* gained increasing currency and that it was indeed a 'time of troubles' marked by pillaging invaders and almost constant struggle among the Indian states, clearly indicates that in absence of a powerful central authority, the empire disintegrates and falls prey to the invaders.

Ample evidences of feudal lords as a constant menace to the royal authority are found in the *Rājataranginī*. From the accession of the Lohāra dynasty in 1003 A.D. Kalhaṇa's narrative shows how the Dāmaras acquired such military and political influence as to become unending danger to the royal authority. Harṣa made a notable attempt to exterminate this turbulent class, but the attempt cost him his throne.

130 Sinha, H.N. *Sovereignty in Ancient Indian Polity* p.260

131 Drekmier, C. *Kingship and Community in Early India*, p.180

and life. The succeeding long period witnessed struggle between the central authority and the *Dāmaras*.¹³² They constituted a constant menace to the peace and tranquility of the kingdom. Kallhana's bitter experience of the turbulence and lawlessness of this class led him to apply to them the characteristic epithet of robbers.¹³³ During the decline of the Gurjara-Pratihāra empire, a number of its feudatories quietly assumed the imperial title of *Mahārājādhirāja Paramēśvara*.¹³⁴

The imperial power having become weak, would require the military support of the feudal lords and they could dictate their own terms while supporting him. Thus *Rāmapāla* of Bengal had to pay heavy price for getting the support of his feudatories to win the throne. If there was a war of succession, their position would still be stronger, they could then take side of the person of their choice and try to put their own nominee on the throne, thus playing the role of the king-makers¹³⁵. On such occasions they could pay off their old scores by imposing their own terms on the new successor: the latter could hardly get or expect the same obedience to his orders from the feudatories who were erstwhile his benefactors. Evidence of the feudatories (*Dāmaras*) offering throne of Kashmir to *Somapāla* of *Rājupuri*, who was no better than a brute animal, in the hope of monopolizing the power for themselves is also found in *Rājatarangīni*.¹³⁶

The ambitions of the feudal lords to aspire for imperial status for themselves, or the ambition to gain the coveted position of a *Cakravartin* usually led the feudatories to look for an opportunity to rebel against the imperial power.

132. Ghoshal, U.N. : *Studies in Indian History and Culture*, p.182.

133. *Rājatarangīni* : 8.7.

134. *Id.* : 2, p.193.

135. Altekar, A.S. : *State and Government in Ancient India*, p.308.

136. *Rājatarangīni* : 8.1493, 1494.

FORTS

The defence of the state is based on the fort (Durga) and the army (Daṇḍa). These two are among the seven Prakṛtis or constituents of the state. Of these two, Durga is more important and is placed earlier than Daṇḍa in the list of Prakṛtis.¹³⁷ It represents the fortified capital of the state, where the king, if hard pressed by a strong enemy, can entrench himself and withstand a siege over a long period, during which diplomatic moves can be made to ease the enemy's pressure and avert a calamity.

We first come across the term Durga in the ṚgVeda, where it has been used in the sense of a fort, or stronghold.¹³⁸ It was synonymous with Pura, meaning a rampart, or fort, or stronghold. That even in the Vedic times there were two kinds of forts is clear from the use of the terms Pṛthivī-beṇ and Ūrvī. That forts in the Ṛgvedic days were of considerable size is proved by the phrase "with a hundred walls" (Śata bhujī). Their self-sufficiency is suggested by the term "full of kind" (Gomatī) showing that forts were stocked with cattle, evidently to provide the defendants with food in case of a prolonged siege.¹³⁹ The narrative of the Śatapatha Brāhmaṇa¹⁴⁰ about the siege of the castle of the Asuras by the Gods clearly indicates the existence of forts or castle and their siege. Manusmṛiti speaks of definite rules for constructing the forts. It says, "The king was to build in the country, a town for his safety, a fortress, protected by a desert, or a fortress built of (stone and) earth, or one protected by water and trees, or one formed by an encampment of armed men, or a hill-fort. Let him make every effort to secure a hill fort, for amongst all those (fortresses mentioned) a hill fort is distinguished by many superior qualities".¹⁴¹

137 Kangle R P. Kautilya's Arthasastra, p 244

138 RV 5.34.7 VI 1 p 369

139 Sastore B A. Ancient Indian Political Thought and Institutions p 430

140 Sat Br 3.4.3.4

141 Manu 7.70.72

The Rāmāyaṇa gives a detailed account of the types of forts along with examples. According to it there were four kinds of forts, those surrounded by sea or river, as in the case of Lankā; those surrounded by hills like Kiṣkindhā; those surrounded by dense forests again like Lankā; and those which were surrounded by artificial defences of the type of ramparts, moats etc. like Ayodhyā. These forts were well filled with foodgrains, money, men, machinery and water.¹⁴²

Different opinions have been expressed regarding the relative importance of the forts among the seven constituents. The discussion starts with the opinion of an unnamed teacher of Kautilya, who states that of the seven kinds of calamities, viz., the king in distress, the minister in distress, the people in distress, distress due to bad fortifications, financial distress, the army in distress, and an ally in distress – that which is mentioned first is more serious than the next one in the order of enumeration¹⁴³ Bhāradvāja's opinion on the issue follows in detail.¹⁴⁴ Pārāśara¹⁴⁵ says, "of the distress of the people and distress due to bad fortifications, the latter is a more serious evil, for it is in fortified towns that the treasury and army are secured". The fortified towns are a secure place for the people; they are a stronger power than the citizens or country people. And they are a powerful defensive instrument in times of danger for the king.¹⁴⁶ Kautilya¹⁴⁷ though objects the view of Pārāśara on the basis that people are more important above all, because forts, finances and army depend on the people, also endorses the view of Pārāśara while rejecting Piśuṇa's theory that troubles arising from a want of finances are more serious than those due to the absence of forts. Kautilya says it is on the fort

142. For detailed account see : Rāmāyaṇa : Bāla, 5.10 : 70.3 : Ayodhyā 10.1 : 54.53 : Sundara, 3.10 : Yudhishta, 3.20 Utara : 5.22.

143. AN : 8.1.5.

144. Ibid. : 8.1.6-7.

145. Ibid. : 8.1.12-18.

146. Ibid. : 8.1.24, 25.

147. Ibid. : 8.1.28.

that the safety of the treasury and the army depends and that it is from the fort that secret war (intrigue), the control over one's partisans, the maintenance of the army, the reception of the allies, and the driving out of the enemies and wild tribes are successfully carried out. In the absence of a fort, the treasury will fall into the hands of enemies. For, it is seen that those with forts are not exterminated.¹⁴⁸

Kautilya's theory of forts may be summarized thus: between forts and the people, the latter was more important, while between the fort and the treasury, it was the former that was more important.¹⁴⁹ The frontiers should be protected by forts manned by boundary guards.¹⁵⁰ The focal strategic centre of 800 villages should be a major fortified town (Sthāniya). Every group of 400 villages should have a medium sized fort, for every 200 villages a minor urban unit, and conservation centre for every 10 villages should be established. These are not only defensive but also development institutions.¹⁵¹

Forts, thus in general were absolutely necessary for the safety of the kingdom, and the security of the people and treasury.

POPULACE

Kautilya lays stress on the human element of the state. The state after all, consists of the people, and a state without an articulate population is 'as useless as a barren cow'.¹⁵² "One of the essential qualities of a Janapada", states Kautilya, "is a population noted for its loyalty".¹⁵³ Possession of loyal and devoted subjects enabled the king to successfully complete any project without much expenses. Popular discontent was so suicidal to the king that Kautilya recommends even a weak king to attack his enemy, if the latter's subjects are

148 Ibid 8137, 38

149 Salefore B A. *Ancient Indian Political Thought and Institutions*, p 434

150 Shamasastri, R. *Kautilya's Arthashastra*, p 46

151 Ramaswamy, T N. *Essentials of Indian State Craft*, p 21

152 Krishnarao M V. *Studies in Kautilya*, p 11

153 AS 618

dissatisfied. Popular discontent caused by the oppressive policy of the king was a much greater danger than poverty of the subjects. Here the narrative of Plutarch can be cited as an example. Plutarch says, "Androkottus (Chandragupta Maurya) himself, who was then a lad, saw Alexander and declared that Alexander might easily have conquered the whole country, as the then king (Dhanananda) was abhorred by his subjects on account of his mean and wicked disposition."¹⁵⁴ This example thus makes it quite clear that impoverished, oppressed and disaffected subjects can yield themselves to the intrigues of the enemy.

Kautilya regards the state primarily as an association of human groups, created for the preservation of life and property and to secure opportunities for social progress. He further declares that excessive pressure of population must be avoided and wastage of land resources be eliminated by new rural and urban settlements. New settlements must be found either by attracting foreign settlers or exodus of local population from highly populated tracts.¹⁵⁵

THE PEOPLE AND THE KING

The relations between the ruler and the ruled, to a large extent determined the position of a sovereign. The attitude of the ruler towards his people, whether benevolent or malevolent could make or mar his position. Public opinion and the powers of the people, played a vital role in the stability of the royal authority.

Now the question arises whether the people in ancient India enjoyed such rights as they could control the royal authority?

A. S. Altekar is quite opposed to the view that the people in ancient India enjoyed certain rights. He says, "Hindu constitutional writers usually describe not the rights of the citizens, but the duties of the state. Similarly, they discuss the duties of the citizens, from which

154. Sinha, B P. : Readings in Kautilya's Arthashastra, p.35

155. Ramaswamy, T.N. : Essentials of Indian Statecraft, p 20.

we are to indirectly infer the extent of the control the state could exercise over its subjects. In our ancient works, therefore, there is no systematic discussion of the problem from the point of view of the rights of either party."¹⁵⁶

The rights of the people in ancient India were certainly recognised. Though no direct reference is found in the literature, except in Kautilya's *Arthasāstra* regarding the civil rights, yet it is quite clear from the narratives of the literature that the people enjoyed their rights as a citizen could enjoy. The real strength of the kingdom, declares, Śatapathia Brāhmaṇa, depended on the people and its foundation rests on the goodwill of the subjects,¹⁵⁷ and it is through the people that the noble or the king becomes strong. "In addition to the authority of the Dharma, the law of righteousness", writes Motwani, "the king is subject to political sovereign, the people. He should not forget the fact that he derives his authority from them. He is controlled in the exercise of his powers by the capacity of his people to obey."¹⁵⁸

In the hierarchy of social structure though the noble was placed above the common people it cannot be denied that the nobility was but a product of the commonalty. The nobles were upgraded from amongst the common people.¹⁵⁹ "A king who oppresses his people", says Manu, "will forfeit his life and his kingdom. As by torment the living creatures perish, so perishes the king who oppresses his subjects."¹⁶⁰ The relations between the king and his subjects were guided by the fulfilment of the mutual obligations and the attitude of both the parties towards each other.

156 Altekar A S. *State and government in Ancient India*, p 64

157 Sat Br 4.3.39

158 Motwani K. *Manudharmasāstra*, pp 138-139

159 Basu J. *India of the Age of the Brāhmaṇas*, p 115

160 Manu 7.111-112

OBLIGATIONS OF THE KING

The obligations of the king towards his people are quite evident in the duties prescribed for him and the concept of welfare state. The king was required to please his people; to always seek their welfare; to identify his interests with the interests of his people; to punish the wrong-doers; to establish all his subjects in the observance of their respective duties and to extend not mere protection but proper protection to them. As P. N. Banerjea observes, "the passage of Milinda Panho gives us the idea of what the people thought to be the duty of the king – the sovereign overlord gains the favour of his people by the four elements of popularity (viz., liberality, affability, justice and impartiality)..."¹⁶¹ The Mahābhārata¹⁶² refers to the functions of the government in a nutshell when it compares the duties of the king with those of a mother, father, preceptor, the guarantor of safety the god Agni, Kuhera – the god of wealth and Yama – the god of death. There is no aspect of the functions of government which has been ignored. The Mahābhārata repeatedly exhorts the ruler to merge his own interests with those of his subjects. "A righteous king", says Bhīṣma, in the words reminiscent of Kautilya's dictum, "should always behave in such a manner as to avoid what is dear to him, for the sake of doing that which would benefit his people."¹⁶³ The king in his dominions should adopt such measures as would, in his opinion, secure his subjects' welfare and also of his own.¹⁶⁴ Bhīṣma insists that subjects' welfare and happiness should form the ruler's main concern. As a pregnant mother disregarding those objects that are most cherished by her, seeks the good of her womb alone, even so without doubt, should kings conduct themselves towards their subjects.¹⁶⁵

161. Banerjea, P. N. : Public Administration in Ancient India, p.74.

162. Mbh. : Santi, 33.12.

163. Ibid. : 56.46.

164. Ibid. : 89.2-3

165. Ibid. 56.44-45.

A primary source of king's power is the devotion and allegiance of his people. The king is therefore, advised to see no interest other than the interest of his subjects and to guard against their dissatisfaction.¹⁶⁶ The king was constantly reminded that the welfare of the society over which he was placed, was his own welfare.¹⁶⁷

Aśoka maintained 'concord' among all the sections of his people. His meaning was clear when he said, "my highest duty is indeed the promotion of the good of all—there is no higher work than the promotion of the common weal."¹⁶⁸ He further says, "in the happiness of the subjects lies the happiness of the king, it is no happiness or welfare to the king which is not the happiness or the welfare of the people at large". According to Kautilya the attitude of the king should be so focussed as to secure the good of the state - - - the welfare of the people, and whatever pleases himself he shall not consider as good, but whatever pleases his people he shall consider as good.¹⁶⁹ The same idea occurs in the *Viṣṇusmṛti*.¹⁷⁰ - - -

*"Prajā sukhe sukho rājā, tad dukhe yaśca duḥkṛtāḥ,
Sa kīrtiyukto lokeshun, pretya svarge mahīyate"*

Pleasing his subjects, observance of truth, and sincerity of behavior constitute the eternal duty of the king.¹⁷¹ The king was also to look after the general welfare of his subjects. "The activity of the state", observes A S Altekar, "was to embrace the whole of human life, both here and hereafter. The state was to offer facilities to religions and sects to develop on their own line and foster and inculcate piety, morality and righteousness. It was to improve the social order and to encourage learning, education. It was to establish

166 Dreckmier C. *Kingship and Community in Early India*, p 200

167 AS 1 19 34

168 Girnar Rock Edict VI

169 AS 1 19 34

170 *Viṣṇu* 3 70

171 *Mbh Śānti* 57 11

and maintain rest houses, charity halls, hospitals... It was to see that the population was evenly distributed and... It was to enrich the resources of the country by developing forests, working of mines, constructing dams and canals in order to make agriculture independent of rain as far as possible. It was to help in the growth of trade and industry, but also to protect the population against capitalistic selfishness."¹⁷²

Curtius in his History of Alexander the Great, notes that the Indian king's palace is open to all people even when the king is having his hair combed and being dressed.¹⁷³ The utterance of king Aśvapati of Kekaya in the Chāndogya Upaniṣad¹⁷⁴ and the civil conditions of Ayodhyā under king Daśaratha in the Rāmāyaṇa¹⁷⁵ are vivid examples of the conscious efforts of the government to raise the standards of life of its citizens in all aspects – social, moral, mental, physical, political, economic etc. Candragupta Maurya, as Megasthenes observes, is said to have listened to the petition of his subjects even while in the hands of masseurs, while his grandson Asoka ordered that important business was to be set before him at all times.¹⁷⁶

The idea of welfare state is best expressed in the policies of Aśoka. Manu preaches that the king is to regulate the economic life of the community. Traders must be watched and controlled by the king. He was to fix the prices of all marketable goods etc. It was the duty of the king to annihilate theft, adultery, defamation, violence etc. Śukra says that the king must see that no deceit was practiced in weights and measures. The property of widows, minors, lunatics etc. was to be

172. Altekar, A.S. : State and Government in Ancient India, p.36.

173. Prasad, Beni : State in Ancient India, p.181.

174. Chān. Up. : 5.11.5.

175. Rāmāyaṇa : Bāla. 6.8.-12.

176. Basham, A.L. : Wonder that was India, p.87.

cared after by the king¹⁷⁷ The scope of the activity of state in Kautilya includes practically everything

All the writers agree that the first and foremost duty of the king was the protection of his subjects The Dharmaśāstras as well as the Arthaśāstra contain clauses of law for the security of the person and property of the people The special responsibility of the state for the protection of public property is indicated by such clauses as the one requiring the king to be personally responsible for restoring stolen property to its owner, and in default, to compensate him out of his own treasury¹⁷⁸ Another aspect of public security is presented in scattered references in the Arthaśāstra This includes control over possession of arms, evidently in the interest of public security The king's function, was the protection of society and the state was merely an extension of the king for the furtherance of that end¹⁷⁹

The Mahābhārata¹⁸⁰ says, "he is the best of the kings in whose dominion men live fearlessly like sons in the house of their father" The king should extend proper protection to his people as they can live fearlessly Fearlessness is said to have been the basis of a good administration¹⁸¹ So it was considered the duty of the king to keep his subjects away from fears or dangers which are of both kinds – internal and external

INTERNAL AND EXTERNAL DANGERS

Kāmandaka says that the king should protect his subjects from internal as well as external dangers¹⁸² The king's duties involved the protection not only of his kingdom against external aggression, but also of life, property and customs against internal foes There were

177 Manu 8.399 8.401 8.402 Śūtra 1.20

178 Gautama. Dh. Sūtra 10.46-47

179 Basham, A. L. Wonder that was India, p. 88

180 Mbh. Santi 57.33

181 Ibid 139.97

182 Kāmandaka 15.20.21

wicked people within the king's dominion, such as thieves, robbers, murderers etc., against whom the people needed protection. Kāmandaka opines that there are five kinds of dangers, they are – the government servants or officials, thieves, foes, royal favourites and the greed of the ruler.¹⁸³ Agni Purāṇa states¹⁸⁴ that a king should protect his people against the extortions and oppression of royal officials, favourites and the Kāyasthas. The reason for protection against royal officers are given by Candēśvara, who declared that the royal officers who are appointed for the protection of the people were liable to become knaves and seize the property belonging to others. In the Buddhist work Divyavadāna, we have stories of popular revolts at Taxila during the reign of Bindusāra and Aśoka, provoked by the oppression of the officers. Aśoka's Kalinga Rock Edict conveys a warning to the city officials against wrongful confinement. There are clear examples of corrupt royal officers in the chronicle of Kallhaṇa,¹⁸⁵ for instance, writing about the reign of Jayasimha, he reported that even the chief councilor Somakala of Lohāra was prepared to accept bribes and desert his master.

It is a well-known fact that India in ancient times was divided into several principalities. Each sovereign envisaged to extend his territory. As a result wars were very frequent and caused much distress among the general public. Therefore, the protection of the people from foreign aggression constituted one of the main functions of the state. Alongwith the protection from these dangers the state was also required to provide relief measures in the time of national calamities as pestilences, flood, fire, disease, famine, from rats and ferocious animals as well as from snakes.

183. Ibid. : 15.82.

184. Agni : 223.12.

185. Rājataranginī : 8.850.

PATERNALISM

Sense of protection and fearlessness among his subjects was based on the paternalistic attitude of the king towards his people Nārada says, 'the king should make himself accessible to all his subjects, so that any one may approach him without fear as if he were their mother and father'¹⁸⁶ This paternalistic attitude laid down by the ancient writers was to make relations between the ruler and the ruled more intense It was the state that stood as a guardian of peace and order, law and justice, and protected the people against all dangers

The strong bond that brought them closer was the paternal feeling which the ruler had towards his subjects and the filial affection and regard which they had for the king¹⁸⁷ The sage Vīdura while discussing with king Dhṛtarāṣṭra on general morality, emphasizes the great need of the ruler's virtuous behaviour towards his subjects¹⁸⁸ The king should make himself agreeable to his subjects in look, thought, and speech¹⁸⁹ For, the king, whom subjects fear, like deer fearing the huntsman, is bound to perish even if he possesses the sovereignty of the whole earth¹⁹⁰ That king who practices tyranny on his subjects is soon deprived of his kingdom just as the cloud is destroyed by the wind¹⁹¹ Lack of discipline, righteousness and conciliation contribute to the instability and eventual ruin of the kingdom The king should not behave with impunity, thinking that the kingdom has already been acquired by him, for, indiscipline (Avinaya) destroys fortune as old age destroys beauty¹⁹² When the king practices righteousness, the earth abounds in wealth and

186 Mbh Sabha 5 57

187 Mahalingam T V South Indian Polity, p 19

188 Mbh Udyoga. 33 114

189 Ibid 34 25

190 Ibid 34 26

191 Ibid 34 27

192 Ibid 34 12

contributes to his greatness, but if he disregards the same in favour of its opposite, the earth contracts from him like leather cast into the fire.¹⁹³ The king should seek carefully to attract to himself as many men as he can, and benefit them in all possible ways. The king should please his subjects by sweet speeches and by bestowing honour and gifts upon them. The king's behaviour with his subjects should be free from malice, and his conciliatory attitude towards them should also be manifest in the act of realizing the state dues.¹⁹⁴

The ideology of the survival of the fittest did not gain ground in the ancient Indian thought. The ancient Indian thinkers evince a deep concern for the protection and well-being of the weaker sections of the community. The Epic condemns tyranny and requires the king to ensure an equal chance at least for the survival of the weakest. The sage Utathya's discourse in the Śāntiparvan is a brilliant commentary on the ideals of government in ancient India. The king is warned against oppressing the weak, who are magnified as a mighty force under divine protection. "The Creator created", says the sage, "temporal power for the object of the protection of the weak."¹⁹⁵

Vasiṣṭha¹⁹⁶ says that the king is to provide maintenance to eunuchs and lunatics, and the Mahābhārata declares that the king should feed those who are not fed and he should wait upon those who are old. Śukra¹⁹⁷ held that a sovereign is always possessed of the attributes of seven persons, i.e., father, mother, preceptor, brother, friend, Kubera and Yama. As a father provides his offsprings with attributes i.e. by education, so the king should endow his subjects with good qualities. The mother pardons offences and nourishes the children, so the king should do. The Guru as an advisor to the disciple teaches him good lessons, so also the king should do. The brother

193. Ibid. : 34.28-29.

194. Mbh. : Sabhā, 140.13, 15, 16.

195. Ibid. : Śānti, 91.92.

196. Vasiṣṭha : 19.36.

197. Śukra : 1.153-160.

takes out his own legal share of the ancestral property, so also the king receives his own share of people's wealth and property. The friend is the confident and keeper or protector of one's self, wife, wealth and secrets, so also is the king. Kubera gives wealth so also the king and Yama gives punishment so also the king.

The concept of paternalism is best illustrated in the edicts of Aśoka. One of the separate, Kalinga edicts of Aśoka records, "All men are my children that they obtain every kind of welfare and happiness in this and the next world, so do I desire for my men. Further, for as one feels confident after having entrusted his child to an intelligent nurse, thinking the nurse will be able to keep my child well, so the Lājukas were appointed by me for the welfare and happiness of the country people."¹⁹⁸ He tells the officials of Tósali that confidence should be inspired in the people; they should be made to learn that Devānāmpīya is to them like a father, that Devānāmpīya loves them like himself, and that they are to him like his own children. Bhandarkar interprets the reference of this theory in the Aśokan edict as involving the theory of royal absolutism, 'just as children', says the learned scholar, "are merely dependent upon their parents who can do with them just what they like, the subjects were at the mercy of the king who was thus no better than a despot."¹⁹⁹

This was, however, not the case. The king in ancient India was as the above passages indicate, required to behave like a father only in regard to the fulfilment of his duty of protection. Our thinkers only advocate extension of paternal relationship to the sphere of political relationship. The theory of paternal kingship implies not what Bhandarkar believes, - the king's right of arbitrary interference in the life of his subjects, but an application of the spirit of fatherly affection to the sphere of king's relationship with the subjects. The idea underlying this theory was not to support royal absolutism but to

198 Pillar Edict IV (Delhi Topra)

199 Bhandarkar D R. *Some Aspects of Ancient Hindu Polity* p 99

emphasize the benevolent and humane nature of monarchy. Besides, the father's conduct towards his children in no way be characterized as tyrannical or despotic. In fact, the king was nothing more than a patriarch who, like a benevolent head of family, treated his subjects affectionately. It is made clear by the statement in *Raghuvamśa*,²⁰⁰ "He is like a father for his subjects as he protects and sustains them." In the *Rāmāyana*,²⁰¹ the virtues of prince Rāma are set out in great details, where it is said that Rāma behaved like a father,²⁰² that he sympathized with the people in their sorrows and was pleased like a father when the subjects celebrated festivals. So says Vyāsa "that king does not incur sin who, giving up anger and lust behaves towards all impartially like a father."²⁰³ Yājñavalkya²⁰⁴ requires the king to be like a father to his subjects and servants.

The idea behind the concept of paternalism has been beautifully described by Basham. He says, "connected with the idea of the king as a father of the people was the concept of organic relationship of the king and the kingdom. The king, the land, the people, the flora and fauna and even the weather are mystically interlinked. As the lord and father of his realm, the king formed a sort of microcosm of it, and the inter-relation of the king's conduct and kingdom's welfare was believed to be much deeper one than was obvious and rational. Not only did the careless oppressive king ruin the kingdom by his neglect or cruelty, but his private virtues and vices were thought to have an unseen affect on the whole order of nature in his kingdom."²⁰⁵

KING, THE SERVANT OF THE PEOPLE

The conception of the king as the servant of the people was one of the basic principles of political thought in ancient India. The

200. *Raghuvamśa* : 1.24.

201. *Rāmāyana* : *Ayodhyā*, 2.28.

202. *Ibid.* : 3.39.

203. *Mbh.* : *Santi*, 24.14.

204. *Yājñavalkya* : 1.334, *Gustama* : 11.9.

205. Basham, A. L. : *Studies in Indian History and Culture*, pp 66-67.

characterization of king's revenue (taxes) as his wages (vetana) involves the notion of the king as a servant of the people. The idea of an exchange of taxation for protection is found in Baudhāyana Dharmasūtra. It says, "let the king protect (his) subjects, receiving as his pay a sixth part ²⁰⁶ (of their income) (Sadbhāgabr̥to Rājā-rakṣet prajāṃ)

"The theory of the taxes as the king's wages", Ghoshal²⁰⁷ observes, "merely implies the king's quasi-contractual obligation of protection and does not involve the conception of the king as the servant of the people." Though the theory is of contractual nature, yet it may be pointed out that the description of taxes as the king's wages, appropriately called 'Vetana' does involve the conception of king as a servant of the people. This inference is further strengthened by the use of the term 'Susrūṣā' for the king's service in the Mahābhārata.²⁰⁸ Kautīlya states that the king should regard himself as a servant of the people. Further, as the kings are remunerated by the people, it is their duty to look to the interests of the state.²⁰⁹ Śukra propounded that the king was made the servant of the people, that he, by getting his share would serve them and protect them.²¹⁰ The same idea is reflected the Buddhist teacher Āryadeva, who retorted to a king, when he claimed that he was the fountain of all transactions: 'what conceit is yours king, when you are a mere servant of the Gaṇa, receiving one-sixth share as your wages'.²¹¹

KINGDOM, A SACRED TRUST

The notion of kingship as a trust was also present in ancient Indian thought. The king was particularly enjoined upon to note that

206 Baudhāyana Dh. Sutra. I 10 1, Altekar A.S. State and Government in Ancient India, pp 64-65

207 Ghoshal U.N. A History of Indian Political Ideas, p 13

208 Mbh. Āśramavāsika 8 3

209 AS. I 13 7

210 Śukra. I 188

211 Sharan P. Ancient Indian Political Thought, pp 363-364

the treasury was not his private or personal property. It was a public trust to be utilized for public purposes. The object of trust is clearly stated in the Śruti text, which had to be repeated at every Coronation : "this state to thee (is given). Thou art the director, regulator, firm-bearer (of this responsibility) – for (the good of) agriculture, for well-being, for prosperity, for growth (of the people), (that is) for success."²¹² King Prthu took the pledge that he would always protect the earth (Bhūmam)²¹³ in thought, word and deed, "as if it were Brahma". Evidently the kingdom or state is conceived here as a trust, as sacred as the lord himself. The Mahābhārata further declares that the king being protector of the state treasury cannot make gifts to those who approach him.²¹⁴ And, the king should never make the kingdom an object of bargaining.²¹⁵

It was believed that the king, who, despite his being a trustee of the interests of the people, spent the state revenue for his personal enjoyment, incurred great spiritual penalty. This idea is repeated almost in an identical form in the Tailapatra Jātaka, where a king reminds his beloved Yakṣinī that he has no control over the public exchequer.²¹⁶

Appropriate term 'Nyāsa' has been used for the kingdom as a trust in the Mahābhārata when king Dhṛtarāṣṭra, while retiring to the forest makes over to Yudhiṣṭhira the whole kingdom as a trust. The story of Rāma in the Vanaparvan states that prince Bharata made it clear to his elder brother Rāma, that the kingdom had been in his charge as a sacred trust.²¹⁷ The idea of kingdom being a sacred trust was widely prevalent in ancient India.²¹⁸ It was duly realized that the political

212. Jayaswal, K. P. : *Hindu Polity*, Pt 2, p.355.

213. Mbh. : *Sānti*, 59.106, 110.

214. Ibid. : 320.145.

215. Ibid. : 24.16.

216. Tailapatra Jātaka : Quoted by Jayaswal, K.P. : *Hindu Polity*, Pt.2, p.370

217. Mbh. : *Vana*, 291.65.

218. Jayaswal, K.P. : *Hindu Polity*, Pt. 2, p.342 : Altekar, A.S. : *State and Government in Ancient India*, pp. 91-92.

power was a sacred charge and not an instrument for personal aggrandizement, and that the king was a trustee, who must fulfil his trust by serving the real interests of the people. If a king misappropriated public funds and diverted them for his personal use, he would be guilty of sin and be condemned to hell. The Hindu conception of the kingdom as a trust had found its practical expression in the Hindu theories of the coronation oath and the welfare state.

PUBLIC ALLEGIANCE

The support and loyalty of the people played a vital role in determining the position of royal authority. Agni Purāṇa attaches great importance to the popularity of the king among his subjects. It is people's love and loyalty which bring territory and wealth to the king.²¹⁹ Loyal subjects not only contributed to the progress of state in normal times, but were also a great asset to the king, in presenting a united front to the enemy in times of war. Even a king ousted by the intrigues of his enemies, could win back his throne with the help of his loyal subjects. On the other hand, a state with hostile and unfavourable population could not maintain itself for long. The ruler, therefore, was advised to see that no such circumstances arise which would lead to anger or apprehension among his subjects.

The subjects on the other hand had the obligation of obedience towards the state. As R. C. Majumdar remarks, as an institution that stood between anarchy and orderly progress, the state was an absolute necessity and this consideration prompted writers to stress the importance of the state and insist that the obedience to its law must be both total and spontaneous.²²⁰

219 Mahalingam T.V. *South Indian Polity* p 29

220 Majumdar R.C. & Pusalkar *Age of Imperial Kannauj* p 232

GROUNDINGS OF POLITICAL OBLIGATION

Divinity of the king and the law (though partly), the theories of the origin of the state demanding obedience of the people and payment of taxes by them on the one hand, and protection by the ruler on the other, and the necessity of co-operation between the two organs of the state i.e., the people and the king, are said to have been the grounds of people's obligation towards the king. The *Mahābhārata* and *Manu* lay down that even an infant and indolent king should not be disobeyed as he has divine virtues.²²¹ (*Bālopināvamantavya* —) The state was regarded as the only agency that stood between anarchy and order. It was considered necessary that the people should lend their full support to it and fulfil their duties imposed by its rulers in forms of rules and regulations. "If the power and prestige of the state is not there", says *Manu*, "the strong will devour the weak like big fish eating the small, most people will give up their appointed duties". Thus the state was a necessary institution for the people to live according to their *Dharma*, and it imposed absolute obligation on the people to obey the state.²²²

But this did not mean that the king could rule arbitrarily. The dread of anarchy could have compelled the people to obey the regulations imposed by the state, they were not altogether helpless. They had certain rights and powers that could lend a brake to the tyrannical tendencies of the ruler. Public opinion strongly affected the position of the king.

PUBLIC OPINION

Public opinion seems to have been reckoned as a great factor in state activity. The moral pressure of public opinion was felt by the kings, who were afraid to do anything probably 'immoral' i.e., anything against the then accepted principles of right and justice.

221. *Mbh.* : *Santi*, 58-60.

222. *Sharan, P.* : *Ancient Indian Political Thought*, p 564.

Special sanctity was attached by kings to moral laws and usages even in statecraft and warfare. This was to some extent due to their desire of not offending public opinion. Kautilya's advice on commissioning spies to learn whether or not the conduct of the monarch is condemned, indicates the importance of public opinion. The king was advised always to be sensitive to public opinion for the sake of his own welfare and security.

'A very important check, writes Basham, "was the public opinion. Kings were advised to keep a finger on the pulse of public feelings, and never to offend them bluntly. Rāma parted with his queen for the sake of public opinion and Kṛṣṇa Deva remitted a marriage tax because it was not popular.'²²³ When the ministers of Rudradāman differed from the king on the issue of the reconstruction of the Sudarśana lake (they refused to provide him money for the reconstruction from the state-treasury), the people clamoured in despair. Then Rudradāman spent a huge sum of money from his private coffers and got it repaired. This shows that a king had to pay a high regard to popular sentiments and conciliate it at any cost.²²⁴

Public opinion was also responsible for the installation as well as dethronement of a king. Installation of Duryodhana on the throne caused wild and popular uproar. All the people chose Kuru, son of Samavarṇa to be their king, for they said, 'he is a virtuous man.'²²⁵ Again, Janamejaya though a mere boy, was elected king by the united voice of the people. On the death of Sagara, the people made his son Anśuman the king. It is thus clear that in spite of the recognition of hereditary succession and primogeniture, a king had to be formally accepted by the people.

Several Jātaka stories speak of mass demonstrations by the people in front of the king's palace under the threat of a dire natural calamity,

223 Basham A L. *Wonder that was India*, pp 87-88

224 Prasad, Beni. *State in Ancient India*, p 389

225 Mbh. Ādi 54.49

or of an impending crisis in the fortunes of the state due to the want of an heir to the throne, or of loss of a much esteemed minister and so forth. In these stories we are told how the act of people usually had the result of making the king accept their advice. There are also stories of popular resistance against the king, the degree of this resistance varying from passive acquiescence in the king's tyrannical act, to collective enforcement of the popular demand for redress of specific grievance and ultimately, to a mob uprising leading to the death or expulsion of the tyrant.²²⁶ In all important matters, the king was required to take the consent of the people's council in which the citizens were represented by the leading and important men. Not only the opinions of a common man, but also those of hermits and recluses were taken into consideration. According to Strabo, the king employed messengers to obtain the advice of the sages who lived in forests.²²⁷ Literature is full of references showing the influence which the ascetics exercised on politics. Nārada advised Kṛṣṇa on republican difficulties, and Buddha was approached by Ajātsatru for his opinion before marching against Lichchhavis.

PEOPLE'S POWER

Not only public opinion, but there were certain powers exercised by the people that acted as a check on the power of the king. It was said that the authority of the king came from his subjects, they had power to dispose him too. "More powerful than the king is the unity of many", writes Śukra, "the rope made by a combination of many threads becomes strong enough to drag a lion."²²⁸

The people had the power to emigrate from their country as a protest against the oppression of the ruler. The Milinda Panho speaks of large scale migration of the people as a remedy against the evil king. When the Pāṇḍavas had been defeated at the game of dice by

226. Sharan, P. : *Ancient Indian Political Thought*, p. 563.

227. McCrindle & Strabo : *India as Described in Classical Literature*, p. 67.

228. Śukra : 4.7.8.

the Kurus they were exiled to forest To protest against this injustice, some of the citizens decided to leave the kingdom and follow the Pāṇḍavas According to the Śāntiparvan if the ruler is incapable of governing he should be abandoned as one would desert a leaky boat²²⁹

When the king becomes addicted to vices, the people are justified in going over to the enemy if the latter is both powerful and virtuous Śukra says that the subjects desert a king who is uncharitable, who insults men practices deceit and uses harsh words²³⁰ The ruler of unrighteous character loses the loyalty and support of his subjects Kautilya says, "the strong enemy of wicked character should be marched against, for when he is attacked, his subjects will not help him but rather put him down or go to the side of the conqueror But when the enemy of virtuous character is attacked, his subjects will help him or die with him Hence, no king should give room to such causes as would bring about impoverishment, greed or disaffection among his people"²³¹

RIGHT TO REVOLT

The political theorists of ancient India held out two threats against any misuse of power by the king One was the fear of hell and other was the threat of revolt The right to revolution is one of the clearly recognised rights of the individuals and groups in ancient Indian political thought²³²

The individuals were entitled to defend their interests and their cherished institutions by force of arms Certain circumstances justified the subjects in deposing and killing the king who has failed to discharge his duties and has become an autocrat The

229 Mbh Śānti 57 44-45

230 Śukra 1 227 4 109

231 AS 7 5 10

232 Gokhale B G Indian Through the Ages, p 163

Mahābhārata²³³ recognises the right to revolt. It advocates not only passive resistance of the subjects against a bad or incompetent ruler, but it also condones or approves of their armed rising for slaying a tyrant. What is more, it pleads for collective non-violent struggle for strengthening the political authority in the event of its breakdown as well as an equally collective violent struggle for the protection against social and political anarchy. Manu's plea for the civil rights of the classes concerned is amplified by his great commentator Medhātithi partly on the ground of the incapacity of the state-administration to ensure security, while another commentator Viśvarūpa justifies his plea for tyrannicide on the ground of the necessity of a just kingship in the interests of the state.²³⁴

Śukra acknowledges the concept of the right to revolt in a hesitant manner. Though he does not support the idea of revolt, he himself says, "if the king, although high born becomes averse to good qualities, policy and strength and is unrighteous, he should be repudiated as the destroyer of the kingdom. In his place the Purohita should install a virtuous prince after the approval of the subjects therein."²³⁵ And since the approval of his subjects is involved in this dynamic change, the right to revolt stands forth as one of the most cherished rights of the people.

Popular uprisings against tyrannical rule did take place from time to time. Veṇa, Nahuṣa, Sudāsa and Nimi were the tyrants who were described as being killed for their wicked and unlawful actions.²³⁶ Bana tells us that the last of the Mauryas, Brhadratha was deposed because he failed to keep his oath of protecting the people.²³⁷

233. Mbh. : Anuśāsanā. 61.32-33.

234. Ghoshal, U.N. : A History of Indian Political Ideas, p.551.

235. Śukra : 2.274-275.

236. Manu : 7.41.

237. Jayaswal, K.P. : Hindu Polity, Pt.2, p 229.

The people of Tōśālī had rose in rebellion against the oppressive actions of the officials, both in the time of Bindusāra and Aśoka. The Jātaka stories²³⁸ of the banishment and of killing the king provide the evidence of oppression of the common folk resulting in revolt and transfer of power. "One of the methods by which the people made the king realize his responsibilities", writes Mahalingam²³⁹, "and be responsive for their wishes was by open rebellion against constituted authority." "A king", says the Mahābhārata, "who is unable to protect is useless, and a person, no matter to what caste he belongs may wield the sceptre of government in his place."²⁴⁰

□□□

238 For details see Sharma, R.S. *Aspects of Political Ideas and Institutions in Ancient India*, p 177

239 Mahalingam, T V. *South Indian Polity*, p 20

240 Mbh. Śānti 78.36

ROYAL AUTHORITY AND THE ADMINISTRATIVE MACHINERY

Public administration in India is as old as the kingship of Vedic times. Development of administration in ancient India passed through several stages. Administrative machinery i.e. the bodies and institutions which helped the king in the efficient running of the state administration, played an important part in determining the nature and extent of royal authority. The king was assisted and guided by popular bodies and councils, which had their hold or control over the king in accordance with their powers and limitations.

SABHĀ AND SAMITI

"We know for certain", writes Shamasastri, "that the two important elements that constituted the government of the Vedic period were the assembly and the king. Of these two, the assembly must have been more important than the king, who evidently was at the mercy of the former." According to Altekar, a perusal of the Vedic literature makes it quite evident that popular assemblies controlling the kings of the numerous small states were a prominent feature of the Vedic polity. Sabhā and Samiti enjoyed a high prestige in the Vedic Age.¹ The Atharvaveda describes them as the two daughters of Prajāpati.²

1. Shamasastri, R. : *Evolution of Indian Polity*, p.87. Quoted by Sharan, P. : *Ancient Indian Political Thought*, p.402.

2. AV., 7.12.1.

3. Altekar, J. S. : *State and Government in Ancient India*, pp. 139-140.

In the R̥gveda, the Sabhā appears as an assembly and hall or meeting place for social intercourse and discussion of public matters.⁴ Several writers have put their views about these institutions but in absence of unanimous opinion no conclusion can be drawn about the actual nature and functions of these popular bodies.

Ludwig⁵ maintained that Sabhā was something like the upper house where the Brāhmaṇas and the Maghavanas or rich patrons were represented. The authors of the Vedic Index maintain that Ludwig's view can be supported by the expression Sabheya⁶, worthy of assembly, applied to the Brāhmaṇa. Zimmer was of the opinion that Sabhā was the assembly of the village folk, presided over by the Grāmaṇi. The objection to this view is raised by B. A. Sale⁷ who says that in the Śatapatha Brāhmaṇa it is clearly stated that the king went to the Sabhā as much as he went to the Samiti.⁸ Hildebrandt's view, supported by N. N. Law,⁹ that Samiti and Sabhā were much the same, Samiti being the assembly and Sabhā its meeting place, is unacceptable as the passage of the Atharvaveda declares the Sabhā and Samiti as two different bodies. It has been suggested by N. C. Bandyopadhyaya that probably the early Sabhās were an association of the kin, tribe, family or clan. In other words they were tribal assemblies. The Sabhā was a central aristocratic gathering associated with the king and may as such be called 'the political council'; it was the advisory body of the king and it acted as a judicial assembly.¹⁰

In Held's opinion¹¹ the Sabhā was originally a secret society or 'club' that belonged exclusively to the Kṣatriyas, but the view cannot be accepted as its members were elders from all the castes of the society.

4 RV 6.28.6, 8.4.9, 10.34.60

5 VI 2 p. 426

6 Sale⁷, B. A. Ancient Indian Political Thought and Institutions p. 392

7 Law, N. N. Aspects of Ancient Indian Polity pp. 24-25

8 Bandyopadhyaya, N. C. Development of Hindu Polity and Political Theories p. 110

9 Held. Quoted by Sharan, P. Ancient Indian Political Thought, p. 409

"Of the two, i.e., the *Sabhā* and *Samiti*", opines H.N. Sinha, "the *Sabhā* seems to be a council of influential men and elders, while *Samiti* was an assembly of people meeting on special occasions".

Altekar observes, "The Vedic literature refers to the popular assemblies of the age by three different terms *Vidatha*, *Sabhā* and *Samiti*. The precise meaning of these terms is difficult to determine and it seems not improbable that it may have differed from age to age and locality to locality..... However, it is clear that *Sabhā* was not the meeting place of *Samiti* but a separate body. It also appears that the *Sabhā* was primarily the village club, where the few items of the simple village government of the age were also transacted by its members;..... It is however, likely that in some localities or states, *Sabhā* was associated with the king and was more a political than a social gathering....."¹⁰

Jayaswal describes *Sabhā* as a popular body and says that it was certainly related to *Samiti* but its exact relationship is not deducible from the data available. Probably it was a standing and a stationary body of selected men under the authority of the *Samiti*. The *Sabhā* had its president called *Sabhāpati*. Its function was to act as a National Judicature like our present criminal courts.¹¹

Besides *Sabhā*, there was another popular body associated with the administration, known as *Samiti*. The *Atharvaveda* describes it as a deliberative body whose opinion carried great weight with the king.¹² The same vagueness which surrounds the *Sabhā*, also envelops the *Samiti*. Different theories about it have been put forward. Ludwig's theory is that the *Samiti* included all the people, primarily the *Viśah* or subjects and the *Maghavanās* as well as the *Brahmanas* if they desired, though the *Sabhā* was the special assembly of the latter two classes of people. But both these theories are improbable. If the

10. Sinha, H.N. : *Sovereignty in Ancient Indian Polity*, p.17.

11. Altekar, A.S. : *State and Government in Ancient India*, pp.140-142

12. Jayaswal, K.P. : *Hindu Polity*, pp. 17-20

13. AV : 6.85.3

Samiti was an enlarged Sabhā and the inclusion of the Brāhmaṇas and Maghavanās being optional, we fail to understand why there should ever have been a differentiation between the Sabhā and the Samiti in the R̥gveda and particularly in the Atharvaveda¹⁴

According to Jayaswal, the Samiti was the National Assembly of the whole people of Viśaḥ. It was a 'sovereign body' as it could elect and re-elect the king. It discussed the matters of the state. The whole people were supposed to be present in the Assembly¹⁵. Jayaswal's view has been subjected to much adverse criticism by Kane, Altekar and others. Kane¹⁶ dismisses it as 'conjectural' and describes his attempt to prove the existence of the elective bodies in the Vedic age as 'frantic'. Altekar¹⁷ says that according to the admission of Jayaswal himself, the exact relationship between the two cannot be deduced from the available data. He further tells us that though the Samiti sometimes meant a social gathering, it usually stood for a 'Political Assembly of the Central Government'.

U N Ghoshal partially accepts Zimmer's theory that the Samiti composed of the Viśaḥ, could re-elect its king. He is also inclined to agree with the view that the Samiti was the 'Popular Assembly of the Vedic people'¹⁸.

POWERS AND FUNCTIONS

The powers and functions of both these bodies cannot be exactly defined, but it can be said that both exercised considerable authority and acted as a healthy check on the royal power.

Sabhā means literally, 'a body of men sitting together'. Those entitled to a seat therein, were invested with lustre, so they were objects of special respect. The Sabhā had its own Sabhāpati. Sabhā acted as a

14 Sharan P. Ancient Indian Political Thought, pp 409-410

15 Jayaswal K P. Hindu Polity, p 12

16 Kane P V. History of Dharmasāstras Vol 3 pp 92-93

17 Altekar, A S. State and Government in Ancient India, p 140

18 Ghoshal U N. The Beginnings of Indian Historiography and other Essays p 146

law court¹⁹ and as a place for 'transacting public business', the matters that came before the Sabhā might have pertained to the policy of government. The Sabhā is called the 'trouble' and "Vehemence" implying that it brought trouble to those who violated the law. Kilviṣaspr̥t²⁰ applied to one who is victorious in the Sabhā is rendered by Jayaswal as "free from blame", but it was interpreted more fully by Ludwig to refer the Sabhā as the remover of the blame of slain fastened on somebody through accusation. Macdonell points out that the judicial functions of the Sabhā were exercised not by the whole assembly but by a standing committee of the same.²¹

What its political functions were, if any, we do not know for certain, but it is quite true that the king could not ignore the support of the Sabhā, which was evidently a debating and deliberative body. Both the earlier and the later references testify to the royal presence in the Sabhā.

In Samiti were discussed all matters of political and non-political import;²² but the political functions of the Samiti are far more prominent. References suggest that the king was elected and re-elected by the Samiti. Hope is expressed in the Atharvaveda on behalf of an exiled king, who has succeeded in his restoration, is that his Samiti forever be in agreement with him.²³ Conversely the bitterest curse upon a king guilty of misappropriating a Brāhmaṇa's property is that his Samiti should never be in agreement with him.²⁴ This shows that Samiti was a powerful body, wielding what may be conveniently described as sovereign power, for, very often the fate of a king depended upon his ability to carry his Samiti along with him. If Samiti

19. VI. : 2. p.431; Jayaswal, K.P. : Hindu Polity, p.13.

20. RV. : 10.71.10 : 6.28.6.

21. VI. : 2. p.428.

22. Ibid. : 2.431; Jayaswal, K.P. : Hindu Polity, p.13.

23. AV. : 6.88.3

24. Ibid. : 5.19.15.

assumed an obstructive attitude it could make the life of a king miserable

According to Jayaswal "election of the king was the most important business of the Samiti". R̥gveda 10 191 3 quoted by Jayaswal contains a prayer for a common counsel a common Samiti common aim and common mind, while similarly R̥gveda 10 166 4 makes a king say in course of a prayer for the destruction of his rivals that he has mastered their thought, their holy works and their Samiti. These passages tend to show that the Samiti was sufficiently important to make its support a great asset to the king. It is emphasized that the "concord between the king and the Samiti" was essential for the prosperity of the realm.⁵

In the view of Altekar and Jayaswal the Samiti exercised considerable control over military and executive affairs. N C Bandyopadhyaya suggest that the Samiti had some military functions also, for the commentators take the term (Samiti) to mean war or battle array.⁶

Whatever may have been, the exact nature of the Sabhā and Samiti, we cannot make out. But in the later times Sabhā tended to be an aristocratic body and it became the court of the king while the Samiti passed out of existence.⁷

VIDATHA

The term occurs in the R̥gveda, but its meaning is not clear. Literally it means an assembly of intellectuals. Roth interpreted it in three senses (1) in the sense of primarily of "order", (2) in that of a concrete body which gave orders, and (3) in that of an assembly for secular or religious ends or for war. According to Zimmer, Vidatha sometimes meant a smaller assembly than a Sabhā. Geldner meant by

25 Ibid. 10 19 13

26 Bandyopadhyaya, N C. *Development of Hindu Polity and Political Theories*, p 119

27 Sharma, R S. *Aspects of Political Ideas and Institutions in Ancient India*, p 107

the word *vidhat* as 'knowledge', 'priestly lore', 'sacrifice' and spiritual authority. Bloomfield was of the firm opinion that *Vidatha* referred to the 'house' in the first instance and, then, to the 'sacrifice', as connected with the house. The authors of the *Vedic Index* agreed with the view of Bloomfield.²¹

Jayaswal refers it to have been the parent folk assembly from which the *Sabhā* and *Samiti* differentiated; but in a later edition of his book he considered the following to be its meaning: "The religious life was organized in the *Vidatha* assembly which had existed even earlier than the *Samiti*."²² Ghoshal cites the opinions of Ludwig, Zimmer, Bloomfield etc..... and remarks, "there is room for considerable difference of opinion", and concludes that "in view of these differences of opinion it seems impossible to predicate any definite attributes to the Vedic *Vidatha*","²³ while accepting the above conclusion of Ghoshal, writes Saleatore, "it may be noted that it is difficult to agree with Macdonell and Keith..... the term *Vidatha* cannot be denoted to mean a house where a sacrifice was performed, because a house where sacrifice was to be performed is described in quite a different manner in the *Śatapatha Brāhmaṇa*. We may conclude by saying that *Vidatha* is a term concerning the nature of which nothing definite may be gathered from the ancient works".²⁴

According to R.S. Sharma, its importance may be seen from the fact that, while the terms *Sabhā* and *Samiti* are mentioned 8 and 9 times respectively in the *R̥gveda*, the term *Vidatha* is mentioned 122 times.²⁵

Since the term is derived from the root Vid, which means to know, to possess, it has been possible to ascribe the meaning of knowledge possession and assembly to it. As regards its composition the one characteristic feature, which distinguished the Vidatha from the Sabhā and Samiti, is the frequent association of women with it.

There are references to its deliberative functions. John Spellman³³ writes that, it can be inferred from more than dozen references of the R̥gveda that, Vidhata was related to military activities. In point of number, next to its military nature, references point to the religious character of the Vidatha. Its religious aspect appeared so prominent and all pervading to Sāyana that he explained the term Vidatha as Yajña or sacrifice. Most allusions to the Vidatha from the Atharvaveda show that this institution continued to function primarily as a religious body in subsequent times.³⁴

PAURA-JĀNAPADA

Paura Jānapada, in view of K. P. Jayaswal³⁵ replaced the Sabhā and Samiti in large Monarchies. He interprets the terms differently in different contexts. The term Paura sometimes as Realm, Diet, and the Paura assembly, and the term Jānapada as a political nation, and in still other context, Jānapada as 'the whole area of kingdom, minus the capital (constitutionally)'. Earlier the term Jānapada is taken by the author as a synonym of Rāṣṭra and Deśa.³⁶ The arguments given by the author in his favour are that, the Jānapadas as corporate bodies had their own laws which were recognized by the Dharmasāstras. The Manusmṛiti recognized the laws of Jāti and Jānapada. The evidence of Rāmāyaṇa proves that the Jānapada (as a corporate body) was working for the consecration of the heir apparent. The Jānapadas (in

33 Spellman J. W. *The Political Theory of Ancient India*, p. 96

34 Sharma, R. S. *Aspects of Political Ideas and Institutions in Ancient India*, pp. 78-87

35 Jayaswal K. P. *Hindu Polity* Pt. 2 p. 238

36 Refer Jayaswal K. P. *Hindu Polity* Chapter 27

plural) had come to a unanimous agreement with the Pauras and others on the question of consecration. There is unquestionable evidence in the Hāthigumpha inscription of King Khāravela (c.170 B.C.) that the ruler granted privileges to the Jānapada. Some of the seals discovered at Nālandā confirm the corporate nature of the Jānapadas by their statement-*'Paurika-Grāma-Jānapadasya'*. The term "Paura does not relate to all the towns in kingdom," but it means a corporate body, 'mentioned in singular like Jānapada in the inscription of Khāravela,' who granted privileges to the Paura. The corporate sense of the Paura is seen in the Buddhist work *Dīvyaśvadāna*, 'where Kuṇāla is supposed to have entered the Paura (used in singular, that is, the Paura Assembly)' Jayaswal further says that the author of the *Vīramitrodaya* definitely states that the Paura was a body (*Samūha*) of the Capital (*Pura*). Apart from its municipal work it exercised great constitutional powers. It was presided over by a leading citizen, generally a banker or a merchant. It was not appointed by the king. It had a number of non-political functions like the administration of estates, construction of public works etc. The capital of the Mauryan empire, Pāṭaliputra was an example of Paura administration."

About the powers and functions of Paura-Jānapada he says, "The Paura-Jānapada could depose the king, and nominate the successor to the throne. It was the Paura-Jānapada whose kind feelings towards a member of the royal family indicated his chance of succession, whose president was apprised by the king of the policy of state decided upon in the council of ministers, who were approached and begged by the king in all humility for a new tax, whose confidence in a minister was regarded as an essential qualification for his appointment as chancellor, who were consulted and referred to with profound respect by a king aspiring to introduce a new religion, who demanded and got industrial, commercial and financial privileges for the country, whose

wrath meant ruin to the provincial governors, who were coaxed and flattered in public proclamations, who could enact statutes even hostile to king's orders, and make possible or impossible the administration of the king. The Paura Jānapada were a powerful check on royal authority"³⁸

Altekar closely scrutinises the evidences produced by Jayaswal and finds most of them inadequate and unreliable. His main contention is that the Paura-Jānapada as envisaged by Jayaswal did not exist at all. He says that neither Megasthenes nor the Edicts of Aśoka refer to any body like this. Kautilya also does not mention it. Had it been a powerful body as Jayaswal imagines it to be, Kautilya must have enumerated it as one of the organs of the state. It does not figure in inscriptions and seals of the Gupta period. No mention of it is made in thousands of copper-plate grants. The Rājataranginī which gives a detailed account of the life and administration of Kashmir also makes no mention of such a body. There is no evidence to show that a Central Assembly of the type visualized by Jayaswal existed in monarchical states in the pre Buddhist period.³⁹

P V Kane⁴⁰ and B A Saletore reject the theory of Jayaswal as unsupported by facts. Saletore⁴¹ writes "To invest the Paura Jānapada assembly with an institutional significance as is done by Jayaswal is to stretch the significance of the term 'Paura Jānapada' beyond its limits"

The actual significance, functions and powers of the Paura-Jānapada is not quite clear to reach at any definite conclusion.

COUNCIL OF MINISTERS

Ministry or a Council of Advisors has been regarded by ancient Indian political thinkers as a very vital organ of the body politic. The

38 Ibid. Chapter 28

39 For details see Altekar A S. *State and Government in Ancient India*, pp 146-155

40 Kane P V. *History of Dharmasastras* Vol 3 p 94

41 Saletore B A. *Ancient Indian Political Thought and Institutions* p 382

ORIGIN OF THE INSTITUTION

As regards the origin of the council of ministers Jayaswal after referring to the high authority of the Vedic Rājākṛtas (king makers) and the Ratnins opines that the "Hindu council of ministers was an organism which had differentiated and branched off from the old National Assembly of the Vedic times"⁴⁹ Barua⁵⁰ approves the theory and calls the National Assembly "the working committee of the Samiti." In the view of P Sharan "The term Paṇḍit (for the council of ministers) has been used in the Arthasāstra the Jātakas and Aśoka's inscriptions. The paṇḍit was also the other name for the National Assembly (Samiti) of the Vedic Hindus. The council of ministers, thus differentiated from the Samiti Paṇḍit inherited the same name like the Paṇḍit of law."⁵¹

In the Ṛgveda and the Atharvaveda we find no mention of king's ministers, probably because there was no occasion to refer them. The Samhitās of the Yajurveda and the Brāhmaṇa literature, however mention in several places some high functionaries known as Ratnins who probably formed the king's council.⁵² It is possible to state in a general way that the Ratnins consisted of royal relatives, departmental heads and courtiers. The status of the Ratnins was fairly high. The ability and strength of these officials and their assurance of loyalty and co-operation to the successor-king was considered so vital and essential that the king elect in course of going through his coronation ceremony had to go to the doors of the Ratnins and therein offer oblations to gods for the loyalty of the powerful officers.⁵³ Their importance is sufficiently indicated by the epithet 'limbs of the ruling

49 Jayaswal K.P. Hindu Polity Pt 2 p 286

50 Barua, B.M. Inscriptions of Ashoka, Pt 2. Quoted by Ghoshal U.N. Studies in Indian History and Culture p 409

51 Sharan P. Ancient Indian Political Thought p 426-427

52 Altekar A.S. State and Government in Ancient India, p 161

53 Sinha, B.P. Readings in Kautilya's Arthasāstra p 49

powers' as well as 'givers' and 'takers' of the kingdom, applied to them in the Yajur Sāmhita's and Brāhmaṇa texts. But Jayaswal's²² interpretation of the ceremony of Jewel-offerings (Ratna-haviṃsī) in the sense that the king had to make 'the offerings' to them, or that he 'worshipped' them before his consecration, is belied by the fact that the text contemplates the royal sacrificer's worship of the appropriate deities at the residence of the respective Ratnins. In fact, the true significance of the ceremony consisted in winning for the king the allegiance of these important personalities. The Ratnins are in one place expressly described as bestowers of kingdom upon the king."

AMĀTYA-SACIVA-MANTRIN

With the gradual disappearance of the Vedic sacrifices, the conception of Ratnins also faded away. But the evidences of the Dharmasāstras and the Nitisāstras, however, show that the Ratnins did not disappear without leaving a more effective body to discharge their functions, and this was the council of ministers. It may be noted that official designations of ministers for different portfolios varied from time to time. The Rāmāyaṇa some times identifies the Mantrins with the Sacivas' and sometimes differentiates between them."

Although there were distinctions between the Amātya, the Saciva, and the Mantrins, these were often not observed and authors sometimes used these words interchangeably. The usual translation of Amātyas as ministers may convey the wrong impression that they were intended to act as ministers, whose number was small. But even in a later text such as the Śāntiparvan, the number of the Amātyas is put at 37, and they are distinguished from the Mantrins whose number is prescribed at eight." In one place, Kauṭilya used the word Mantrin to signify the Prime-minister and Amātya for the other ministers. The

Amātyas constituted a regular cadre of service from which all high officials as ministers, treasurers, collectors, officers engaged in civil and criminal administration etc. were to be recruited. Etymologically Amātya and Saciva mean associates or companions and Mantrin means one who is concerned with Mantra or secret counsel. We think it probable, writes Sharan, that the Mantrin was highest official and was followed in descending order by the Amātya and the Saciva.⁵⁹

Kāmandaka also takes the Amātyas in a generic sense but seems to identify them with the Sacivas for laying down the qualifications the two terms are used without any discrimination. The Amātyas were, however, different from the Mantrins, who were charged with the duty of advising the king and safeguarding the counsel.⁶⁰ The difference between the two is brought out in a passage which states that the king living at his capital, should think of the good of his kingdom together with his Mantrins and Amātyas.⁶¹ In the post-Mauryan times Amātyas were known as Sacivas, and as would appear from the use of the terms Matsacivas and Karmasacivas in the inscription of Rudradāman formed a general cadre of officers from among whom high functionaries were recruited.

STRENGTH AND QUALIFICATIONS

The numerical strength of the ministry varied from time to time. Mann has advocated a council of 7 or 8 members,⁶² the latter number is prescribed by the Mahābhārata too.⁶³ The Arthaśāstra quotes different views on the topic from which we learn that the Mānava, the Bārhaspatya and Ausānasa schools were in favour of a ministry of

59. Sharan, P. *Ancient Indian Political Thought*, p. 427.

60. Kāmandaka, 4.25-27.

61. Ibid. 4.30-31.

62. Ibid. 8.1.

63. Manus. 7.54.

64. Mbh. Śmṛi. 8.7-11.

12, 16 and 20 respectively.' The Śukranīti recommends a ministry of ten,¹ but also refers to another view which was in favour of a smaller body of 7 or 8 persons: the view shared by Mānasollāḥ of Someśvara.² The Nītivākyaṃṛta is in favour of a smaller ministry consisting of 3, 5 or 7 members only. Kaṭīya favours the number to be fixed according to the requirements of the state,³ and thereby presents the real state of things instead of indulging in abstract thinking.⁴

The qualifications of a minister are elaborately dealt with in the Rāmāyaṇa,⁵ according to which he should be learned, meek, tactful, self-controlled, brave, true to his words, having a smiling face, always truthful, capable of knowing the secrets of others, just, devoted to the accumulation of wealth and strength, well-versed in the art of government, well-known in foreign lands, capable of keeping counsel's secret, short-tongued etc. In the Śāntiparvan⁶ the qualifications of ministers are more elaborately dealt with and one of the important requisites there is his birth and residence in the Janapada of appointment, a criterion finding mention in the Arthasāstra.⁷

The scope of the work of the ministry included the whole administration. It was to enunciate new policies, to ensure their successful working, to remove difficulties that may crop up, to supervise and direct the state policy regarding taxation and expenditure, to take steps for the proper education and training of the princes, to participate in their coronation, and to direct the foreign

policy, both with reference to internal feudatory kings and external independent states⁷³

Our early writers do not enlighten us about the different portfolios assigned to the members of the ministry. It is only Śukra, who gives us some idea of their portfolios. According to him, the ministry, whose strength was to be ten, was to consist of (1) Purohita (2) Pratinidhi (3) Pradhāna, (4) Saciva, (5) Mantrin (6) Prādvivāka, (7) Pandita (8) Sumantra, (9) Amātya and (10) Dūta. The status and pay of each succeeding minister were lower than those of the preceding ones⁷⁴

The Purohita or the Royal Chaplain figured prominently in the council of Ratns of the Vedic period and he continued to be a member of the ministry for several centuries. He stood in the relation of a spiritual preceptor (Guru) to the king. When the king consecrated for a long sacrificial session could not direct the administration, it was the Purohita who deputized for him. He wielded considerable influence during the period of the ascendancy of the Vedic sacrifices. In the later times his influence decreased considerably, and he ceased to be a member of the ministry from c 200 A.D. but still the frown of an ideal Purohita was sufficient to keep the king on the path of virtue and rectitude⁷⁵

Next comes the Pratinidhi. It was his duty to deputise for the king when he was ill or was on an expedition. It is very likely that this duty must have devolved upon the Crown Prince, when he had grown up to the age, to assume the reins of his office. It appears that the portfolio of Pratinidhi was not generally included in the ministry, inscriptions do not refer to his office, and Manu states that the premier should deputise for the king, and not the Pratinidhi⁷⁶. The Pradhāna or the Premier was the most important member of the ministry. According

73. Altekar A.S. *State and Government in Ancient India*, p. 67

74. Śukra 2.70-72

75. Ibid. 2.99

76. Manu 8.141

to Śukra, he was to be Sarvadārsi⁷¹ i.e., the Superintendent of the whole administration.⁷²

The Saciva of the Śukranīti represented the minister of war. The title Saciva given to him in Śukranīti was, however, not the usual designation by which he was known. He was known as Senāpati under the Mauryas, and Mahābalādhikṛta under the Guptas. The war minister was to be an expert in the theory and practice of war and well-versed in the art of organization. It was his duty to see that all forts were properly garrisoned and all the branches of the army were properly equipped and were kept at their highest efficiency.⁷³

Next comes the Mantrin or the foreign minister. He is designated as Mantrin by Śukra, but the inscriptions give him the more significant title of Mahāsandhivigrahaka, the highest officer-in-charge of peace and war.⁷⁴ He was to be well versed in the Upāyacatuṣṭaya i.e., the four-fold policy of Sāma (conciliation), Dāna (appeasement), Danda (war) and Bheda (causing dissensions in the enemy's camp).⁷⁵ The next minister Prādyivāka was in-charge of the judicial department; he was also the Chief-justice, and presided over the highest court of appeal in the absence of the king. The Pandita was in-charge of religion and morality. He was to advise the government upon its socio-religious policy and about the suitable changes, that could be introduced in consonance with the spirit of Dharma and culture.⁷⁶

Sumantra is the minister in-charge of the treasury. It was his duty to find out what were the total collections and disbursements for the year, and what was the balance at its end.⁸¹ He can be compared to the Kautilyan Sanāharā. It was the duty of the Amālya or the revenue minister to have a correct inventory of villages, towns, mines and

forests in the country and of the income expected from them. His office also had an accurate account of the land under cultivation and land lying fallow as also of the expected produce from the different mines.⁸⁴ The Dīpta was an envoy of the king and was required to be proficient in the art of diplomacy or the Sāḍgunya (six fold policy).

THE MINISTERS (COUNCIL) AND THE KING

The king was the mainspring of all administrative activities, as he was called the fountain head of all authority. The ministers could at best count upon his appropriation when they actually meant to or did take the initiative.⁸⁵ This may be true to some extent, but in the words of Louis Renou, "The chief counterpoise of the king's authority was the body of ministers."⁸⁶

Jayaswal⁸⁷ observes that 'according to the law and principles of Hindu constitution the king could not work without the approval and co-operation of the council of ministers. Elsewhere he concludes that the king was bound to follow the dictates of the council failing which he ceased to be the king in the eyes of the constitutional law.'⁸⁸

B. M. Barua⁸⁹ disapproves Jayaswal's case for the view that the majority decision of the council was binding upon the king. He concludes by quoting with approval D. R. Bhandarkar's view of the constitutional status of the Parishad, namely, that it was 'like a modern executive council,' an intermediate body between the king and the Māhāmātras 'with the function of enforcing the performance of the king's written orders by different officials, as well as that of scrutinising the king's oral orders for making suggestions to the king who was of course, the final arbitrator.' Again that the council though

84 Ibid. 2: 103-105

85 Sinha H. N. *Sovereignty in Ancient Indian Polity* p. 118

86 Renou Louis. *The Civilization of Ancient India*, p. 48

87 Jayaswal K. P. *Hindu Polity* Pt. 2 p. 287

88 Ibid. p. 306

89 Barua B. M. *Asoka and his Inscriptions*. Quoted by Ghoshal U. N. *Studies in Indian History and Culture* p. 409

met independently of the king, there is nothing to show that the council's decision was binding on him.

Ghoshal supports Barua and says that the only conclusion that can be drawn from the quoted text is that the king's consultation with his ministers was held by almost all the *Dharmaśāstra* and *Nītiśāstra* authors to be an act of his ethico-religious obligation or else of sound policy.⁷⁰

Further, Jayaswal quoting the *Mahābhārata*⁷¹ says that the king was always 'Paratantra' under the control of others (ministers), and never 'Svatantra'.⁷² i.e., he could not work independently.

The term has not been correctly interpreted by Jayaswal. The king was 'Paratantra' in the sense that the council acted as a check on his power and that he has been advised not to work without consulting them. But it does not mean that he was bound to follow their dictates. He needed their advice and looked forth to their guidance, because it was impossible for him to carry out the work of administration unaided. As Śukra puts it, "Without the Mantrins matters of state should never be considered by the king alone, he is expert in all the sciences and versed in policy".⁷³ In the words of Viśālākṣa⁷⁴ "the decision of a single mind can never lead to success." Kaṇḍiyya⁷⁵ calls them as the thousand eyes of the king. Though, Kaṇḍiyya,⁷⁶ Manu⁷⁷ and Yājñavalkya⁷⁸ enjoin upon the king to act in accordance with the advice of the majority of the council of ministers, but nowhere it has been said that he was bound to follow their decision. Altekar's⁷⁹ statement on this point, namely, that the ministry was held to be

indispensable for good government by the constitutional writers seems to be much nearer to the truth. The king was expected to approve the opinion of the council.

The ministers were of course directly responsible for the due performance of their duties to the king. But they had also a sort of indirect responsibility to the people also. This is illustrated by the story told by Hiuen Tsang about Vikramāditya the king of Śravastī.¹⁰⁰ The story current in Hiuen Tsang's time about Aśoka's minister refusing to comply with the king's wish to give away all his possessions in charity, shows that the ministers had some responsibility towards the people. And they were held responsible not only for their own actions but for those of the king also. Rock Edict III and VI of Aśoka throw further light upon the working of the council. The Third Edict shows that the council's orders were to be duly recorded and expounded to the public by local officers. In Rock Edict VI Aśoka says that whatever I may order by word of mouth whether it concerns a donation or a proclamation, or whatever urgent matter is entrusted to my officers, if there is any dispute or deliberations about it in the council, it is to be reported to me immediately at all places and at all times.¹⁰¹

Jayaswal¹⁰² interprets this Edict in the sense that when the Emperor issued orders regarding his proclamation, sermons and gifts, the council "discussed and shelved them", thereupon the angry monarch directed that he should be informed when his oral orders were rejected.

Barua¹⁰³ rejects this interpretation on the following grounds—

Firstly, the crucial and much discussed word in the extract namely *Nijhatī* corresponds not to Sanskrit *Nikṣaptī* (meaning rejection), but

100 Buddhist Records (tr. Beal) 2. Quoted by Banerjee, P. N. Public Administration in Ancient India, p. 45.

101 Thapar, Romila, Asoka and the Decline of the Mauryas, p. 252.

102 Jayaswal, K. P. Hindu Polity, Pt. 2, p. 309.

103 Ghoshal, U. N. Studies in Indian History and Culture, p. 415.

to Pāli Nidhyapti (meaning an agreement as a result of sound deliberations). Hence, the whole passage should be translated as "if in that connection any difference or agreement exists in the council of ministers, that is to be reported immediately to me in all places and at all times," and not with Jayaswal as "if there was a division of opinion with regard to the king's proposal in the *Parisad* or a total rejection, he should at once be informed of it". As to Jayaswal's explanation that the council discussed Aśoka's orders and shelved them to the anger of the monarch, Barua points out that RE VI contains nothing to indicate that Aśoka was angry or had reason to be so for rejection of his verbal orders by the council. Further, Barua shows from other passages in Aśoka's Edicts (Queen's Edict, Minor Rock Edict in Yerrāgudi version) that Aśoka was the supreme authority in the administration for the purpose of instructing or directing the high officials about their duties.

Ghoshal supports Barua and says that the whole atmosphere of Aśoka's administration is indicated by the phrases in his inscriptions to be that of verbal communication. In fact, the whole Indian literature at that time was being orally handed down, and writing in the sense of engraving in clay, wood or stone was used for official purpose only.¹⁰¹

Altekar¹⁰² infers that the council very often used to suggest amendments to the king's orders or even recommended their total reversal. Aśoka says that when such contingency arose, or when the council was divided on any issue, the matter was to be reported at once to him. Altekar's view, that there can be no doubt that the emperor must have taken the final decision, but the fact that the council used to suggest revision of royal order necessitating their reconsideration by the king is quite agreeable.

Ministers were directly responsible to the king who made their appointments. Normally the kings had a high regard for their ministers and the latter were usually loyal to them. At the same time ministers regarded themselves as trustees of the interest of the people. The Ministers were the pillars of the state¹⁰⁶ and the kings used to accept their advice, though the ultimate responsibility vested with the crown. According to Kāmandaka,¹⁰⁷ they were the real friends of the king. It was the first and foremost duty of the ministers to control the king and to see that he did not follow the wrong path. As ministers occupied so important a place in the body politic, it was but natural that some thinkers should have held that the ministerial debacle was the greatest calamity that could fall upon a kingdom. Personal factors counted for a great deal in determining the position and powers of ministers. Our constitutional writers point out that when the kings were strong and powerful, they were the centers of power, and the administration was known as 'king centred' (*Rājāyatta tātā*) when there was a powerful and self-willed ruler upon the throne, like Bimbisāra. He could dismiss some ministers for giving bad advice, degrade some for their inefficiency and promote others for their good service.¹⁰⁸ The position of the ministers under such rulers was difficult. They expected their ministers to concur with them. If they offered unwelcome advice, they were often in the danger of being dismissed.¹⁰⁹ Sometimes they were even banished and their property confiscated for their daring to displease the king by their unwelcome advice.¹¹⁰ Sangramarāja is described by Kalhana as indolent and pleasure loving and yet of sufficient spirit to resent the domination of the all-powerful minister Tunga.¹¹¹

106 Ibid. p. 185

107 Kāmandaka 4.14

108 Chullavagga 5.1

109 Kāmasūtra Aranya 4.3.9.10.25

110 Rājataranginī 2.63.6.342

111 Ibid. 7.72

When the kings were weak and incapable, the ministers were the virtual rulers and then the administration was known as ministry controlled (*Sacivāyatta-tantra*). Their mutual relations were strained if the ministers were ambitious to usurp the throne; the ministers would then conspire to multiply the difficulties and calamities for their rulers.¹¹² The last ruler of the Śunga and the later Cālukya dynasties also fell prey to the machinations of their ministers. Example of Parvagupta, killing the child king Sangamadeva and seizing the throne is found in the *Rājataranginī*.¹¹³

In normal times, however, power was shared by both and the administration was known as *Ubhayāyatta tantra*¹¹⁴ dependent equally on both, the king and the ministry. Generally speaking, though the ultimate responsibility of decision lay with the king,¹¹⁵ he was usually guided by the advice of the council of ministers. Kings had high regard for their ministers and confided in them as implicitly as in their own hearts.¹¹⁶ They regarded them to be as indispensable as their right hand and paid as much regard to their views as to their own.¹¹⁷ Nārāyaṇa the foreign minister of the Raṣṭrakuṭa emperor, Kṛṣṇa III is described as his right hand.¹¹⁸

The responsibilities of the ministers at the time of the apprehended death of the king were grave, as apathy and neglect on their part would involve the state in peril. In the words of M.V. Krishnaray, "the ministers were the inspiration and the fundamental urge of state activity, they were the props of the king's authority, and they guided his destiny with a firm hand, conducting the administration

themselves.¹¹⁹ In times of grave crisis and national calamity when the report of the death of the Swāmī would imperil the kingdom the ministers played the role of national conscience and of Providence and averted Rājyavvasanas (in the form of enemy invasions) with great courage and statesmanship.

The ministers played the role of king makers. The Rājatarāṅgiṇī gives historical instances showing the great powers wielded by the ministers. The deposition of Ajayapīḍa was due to the decree of his minister Mamma and others.¹²⁰ Śūra could become king because the crown was decided to be offered to him by the ministry which had concluded that he was most qualified for it.¹²¹ When on his death bed king Kalaśa wanted to inaugurate his son Harṣa as Yuvarāja (crown prince) he could not do so owing to the determined opposition of his ministry.¹²²

That the ministers had voice in the selection of the heir apparent is also supported by the Rāmāyaṇa,¹²³ where king Daśaratha who wants to make Rāma the crown prince, addresses the ministers thus: 'If this my proposal which is to my liking and which appears to me to be good, and which has been arrived at after prolonged deliberations is accepted by you, kindly tell me how I am to carry it out. If there were any suggestions better than this think of it because the judgement of the neutrals who take into consideration circumstances for and against is likely to be very valuable.'¹²⁴ When the throne fell vacant it were the ministers who acclaimed the successor. After the death of Rājyavardhana Harṣa was acclaimed as his successor by the ministers and it were the ministers of the Maukharī kingdom who

119. Krishnarao M.V. *Studies in Kautilya*, pp. 182-183.

120. Rājatarāṅgiṇī 4.707.

121. Ibid. 4.715.

122. Ibid. 7.702.

123. Rāmāyaṇa Avadhā 2.1.16.

124. Dr. S.C. *Public Speeches in Ancient and Medieval India*, p. 4.

officers. They were required to possess almost as high qualifications as ministers in respect to education, ability and reliability. In addition they were to be experts in drafting, as they were required to listen to the oral orders of the king or the ministers and to draft them properly. They were also to look into the previous files to avoid contradiction of earlier views. Probably the Greek writers refer to these high officials of the secretariat as members of the seventh class of councillors and assessors. Their class was small in number but distinguished for its superior wisdom and justice.

FUNCTIONS

The secretariat had a big record office. In all cases of land grants, the entry of the transaction was made at the secretariat. Very often kings passed verbal orders, which were taken down by a personal secretary (described as *Tiruvayakkkelvi* in some South Indian records). The officer, who took down orders of the king-in-council was known as *Tirumundir Olai* in south India and '*Akṣapātālika*' in North India.

Another important duty of the central government and secretariat must have been the supervision and control of the provincial, district and local administration. So tours of inspection have been recommended for the king and his officers by several writers. Inspectors and auditors were sent every year from the central secretariat to audit and check the accounts of temples and local bodies. The decisions of the central government were communicated to the local authorities by the secretariat through its special messengers.

The vital role played by the *Lekhakas* in administration can be gauged from the observation of Kautilya that government is writ and writ is government.¹²⁷ Śūkra observes that "royalty does not reside in the person of the king but in his sealed and signed orders."¹²⁸

127 AS 2 10 I

128 Śūkra 2 293

ADMINISTRATIVE DEPARTMENTS

Besides the Mantri-Parīṣad, there was another body of the Tīrthas or administrative departments, which assisted the king in administering public affairs. Kautilya¹⁷ refers to them as Mahā-Amātyas. In early times as well as in small states, the number of administrative departments were few. The Viṣṇusmṛti¹⁸ refers to the following four only: mines, customs, ferry and elephants. Eighteen, 'Aṣṭādaśa' is the usual number of Tīrthas and most of our ancient authors give very similar lists.¹⁹ Book II of Kautilya's Arthaśāstra describes the functions of different departments under the heading Adhyakṣapracāra. The Tīrthas can be classified into:

- (1) Mantrin (Councillor) (2) Purohita (Priest) (3) Senāpati (Commander-in-chief) (4) Yuvarāja (Crown-Prince) (5) Dauvārika (Lord Mayor of Palace) (6) Antarvāṁśika (Chamberlain) (7) Praśāstr (an officer combining both executive and judicial powers) (8) Samāhartṛ (Incharge of Revenue) (9) Sannidhātṛ (Incharge of Treasury) (10) Pradeṣṭṛ (Probably the collector of Bali and had power to check accounts) (11) Nāyaka (overseer of the city) (12) Pauravyāvahārika (Judge) (13) Kārmāntika (incharge of mines and factories) (14) Mantripariṣadādhyakṣa (President of council) (15) Dandapāla (guardian of punishment) (16) Durgapāla (incharge of forts or home defences) (17) Antapāla (protector of the frontiers) (18) Ālavika (guardian of forests)

The names of the departments and the designation of their heads and important officers, which can be inferred from the designations of the heads of departments, can be given in short as follows.¹²

DEPARTMENTS, DESIGNATIONS OF HEADS AND IMPORTANT OFFICERS

DEPARTMENTS	DESIGNATIONS OF HEADS AND IMPORTANT OFFICERS
(1) Royal Household	Sandhageliādhīpa (Śukra) incharge of palace Pratihāra or Mahapratihāra who ushered visitors and ambassadors into the royal presence, Sambhārādhīpa comptroller of Royal Household, Royal physician and Ārāmādhīpa (Śukra)
(2) Military	Senāpati, Mahāsenāpati, Mahābalādhikṛta, Aśvapati, Hastyādhyaṣa, Rathādhīpati, incharge of horses, elephants and chariots
(3) Foreign Affairs	Mahāsandhivigrahika, Dūta
(4) Revenue	Śītādhyaṣa, cultivation of crown lands Aranyādhyaṣa-incharge of forests, Godhyaṣa-superintendent of cow herds etc Mahākṣapatalika-superintendent of land records
(5) Treasury	Koṣādhyaṣa
(6) Commerce and Industry	Sūtrādhyaṣa (Kauṭilya), Vastrādhyaṣa (Śukra) Incharge of textiles Sūrādhyaṣa-Incharge of state distilleries Paṇyādhyaṣa, Regulation of merchandise Suvarṇādhyaṣa, Incharge of Coinage and goldsmiths Śulkādhyaṣa-Incharge of tolls

- | | |
|--------------------|------------------------------------------------------------|
| (7) Judicial | Prādvivāka-Chief justice. |
| (8) Ecclesiastical | Purohita, Dharmamahāmātras in Mauryan times ¹¹¹ |

Other departments were of maritime protection and police under Nāvādhyaṣa; for controlling prostitutes under Gaṇikādhyaṣa; of rural protection under Vivitādhyaṣa.

It seems that the state in ancient India undertook vast activities for the welfare and happiness of the people. The benevolent activities of the state penetrated into all the spheres of life. The Dharmic codes dictated charitable programmes and the state provided for the less fortunate members of the community. These officials were known in Aśoka's time by the familiar title of Mahāmātras, and Kumāramātyas in the period of the Guptas.

CONTROL OF OFFICIALS BY THE KING

The success of the king was measured by his control of government. The authorities frankly recognize that the officials were a source of potential danger and oppression to the public and the state. In the Divyāvadana, we have stories of popular revolts at Takṣaśilā during the reign of Bindusāra and Aśoka provoked by the oppression of the people by the officials. Aśoka's Kalinga Rock Edict conveys a warning to the city officials against wrongful confinement.

The power of the officials can be calculated from the fact that some of the Kumāramātyas functioned in their own rights and maintained their regular office called Kumāramātyādhikarana. Towards the end of the Gupta empire some Kumāramātyas such as Mahārāja Nandana¹¹² asserted independence and issued land charters.

The remedy was sought by Kautilya in strict control of the officials by the king and in an elaborate body of penal laws for dealing with the delinquents eg. the eighteen top ranking officials are subjected to a strict vigilance of their private and public behaviour by the selected spies.¹³⁵ Again as a safeguard against disaffection of 'officials of the innermost circles' the king is required to keep the two departments of finance and the army under his control.¹³⁶ Elsewhere, the disaffection of the officials of the inner circle (Mantri, Yuvarāja, Purohita and Senāpati) is required to be met in two ways. If it is due to the king's fault the king should give up the same, if otherwise he should visit the delinquents with appropriate punishments. Penalties ranging from fines to dismissal from office are laid down for corrupt or incompetent officials. Those living by underhand means were subjected to espionage by the Samāharta and were banished and dismissed, if found guilty.

Manu expresses similar view and says that against such officers (corrupt) the king should be firm. He should confiscate their property and banish them from his realm.¹³⁷ He should personally visit the different parts of the state by turns and keep a close watch on his administrative service with the aid of the espionage services.¹³⁸

VARIOUS LEVELS OF ADMINISTRATION

Local autonomy was the very bed-rock of Indian political existence. The Paramount, as the central authority ruled as well as reigned with the help of his ministers.¹³⁹ Local assemblies, village councils, guilds and religious authority were all partners in policy administration and even on occasion of policy formation. Mookerji¹⁴⁰ describes in the context of the Mauryan polity what he considers to be the general

135 AS 1 126✓

136 Ibid 824

137 Manu 7 123-124

138 Ibid 7 122

139 Prasad Beni. *State in Ancient India*, p 292, Raychaudhuri, H C. *Political History of Ancient India*, p 380

140 Mookerji R K. *Chandragupta Maurya and His Times* p 78

characteristics of the Ancient Indian state. He writes that Ancient India believed in the self-government of the groups, in the extension of self-government, from the sovereign at the top through all grades and strata of society down to the lowest classes in the villages, he observes that "every village was self-governing", and that "the unions of the villages formed self governing federations". Thus Ancient India was built up as a vast rural democracy. Authority was diffused among the Villages and Corporations and alliance and delegation were the very essence of government.

GUILDS AND CORPORATIONS

The spirit of co-operation is a social instinct in man. Nevertheless, it is brought into prominent activity and lends itself to some conscious organizations, according to the temper of man and circumstances in which he finds himself. The nature of these circumstances dictate the form of such organizations and it is that we find in almost all ages and countries, co-operative organisations, however rudimentary, in different fields of human activity— social, political, religious and economic. In ancient India corporate activity seems to have been manifest in a marked degree, first in the economic field, but these corporations acquired much power so as to become an important aspect of state administration.

Various words used to denote guilds in ancient Indian literature are *Gaṇa*, *Śreṇī* and *Pūga*. The word *Gaṇa* is almost used with reference to political and religious bodies. A.N. Bose is of the view that the words *Śreṇī* and *Pūga* were used for industrial and trade organizations. The description of Pāṇini for the word *Śreṇī* is—"*Śreṇī* is a body of those doing one kind of business—Eken Śilpena Paṇayenatā ye jivanti teśam Samuhah Śreṇī".¹⁴¹ Similar definition has been given by Manu¹⁴² also. Kautilya¹⁴³ has used this word to denote a

lent money. Roughly speaking therefore they must be said to have served the function of modern banks. The king used to take money from the guilds if he was in distress. Apart from the people, the rulers used to deposit money with the guilds getting a regular interest of 12 to 9 percent.¹⁵⁴ An earlier inscription of Nāsik of Uśavadātta, records that he had deposited 300 kārṣāpaṇas with two weaver guilds. Kautilya writes that the 'Superintendent of Accounts' had to regularly enter in prescribed register, the (history of) customs and profession and transactions of corporations, and three commissioners were appointed enjoying the confidence of guilds to receive the deposits which could be taken back in the time of distress.¹⁵⁵

GUILD AS A MILITARY POWER It appears clearly from the scattered references in the Arthaśāstra that the guilds in those days also had military powers. Kautilya¹⁵⁶ 'Śreṇībala' among the various classes of troops which a king might include possess. On account of their military power these Śreṇīs were of great importance to the state. In the discussion of the comparative gravity of various sources of trouble to the king Kautilya says that the Śreṇī on account of its numerical strength is more difficult to be subdued than individual recalcitrant chiefs. The military strength of the guild is also referred to in the Mahābhārata.¹⁵⁷ The military power of the corporations is regarded as being equal to that of the king's standing or mercenary army. The soldiers supplied by the Śreṇī are even spoken of as worthy of being trusted both for offensive and defensive purposes. They were led by their special commander called 'Śreṇīmukhya' who was paid a salary equal to that of the commanders (of the state army).

ROLE IN ADMINISTRATION In the epics the corporations are described as representative assemblies, and they acted as a constitutional check on the king. By the third century B.C. the state

154 Junagarh Rock Inscription

155 AS 4113

156 Ibid 921

157 Mbh. Āśv. may. 78

PROVINCIAL AND DIVISIONAL ADMINISTRATION

Provincial administration in the modern sense of the term existed only in the big kingdoms. The tendency of decentralization commencing from the Mauryan age reached its culminating heights in the Gupta period as can be expressed in the words of R S Sharma, 'the Gupta administration evolved as we learn from inscriptions the first systematic provincial and local administration, which was primarily concerned with the collection of revenues and maintenance of law and order' ¹⁶³

The Mauryan empire was divided and subdivided into provinces (Avantirāṣṭra, Dakṣinapatha, Kalinga, Prācya and Uttarāpatha are known to us to day). Members of royal family often served as provincial viceroys and governors. Aśoka, himself was the viceroy of Ujjain before he ascended the throne. This practice was followed by the Pallavas and the Cholas in South India too. Next to viceroys were the Provincial governors, termed Prādesikas in the Edicts. The Junāgadh inscription of Rudradāman (C. A. D. 150) has preserved the names of two such Provincial governors of the Mauryan empire. Puṣyagupta, governor (Rāṣṭriya) of western India and Rāja Tuṣāspa holding the same office under Aśoka ¹⁶⁴. In the times of the Sātavāhanas, provinces were possibly placed under the military officers- the Mahāsenāpati, but nothing definite can be said about their provincial administration. The status of Mahākṣatrapas ruling at Benaras, Mathurā and Ujjayinī in the empire of Kanīṣka was undoubtedly similar to that of provincial governors. In the Gupta empire Kathiawar, Malwa and Gujarat were placed under the provincial administration. Under the Sungas, the crown-prince Agnimitra was serving as viceroy at Malwa ¹⁶⁵. Ghaṭotkacagupta, the Gupta viceroy of the same province in C. 435 A. D., was a prince of

163. Sharma, R. S. *Aspects of Political Ideas and Institutions in Ancient India*, p. 242.

164. Sharmā, P. *Ancient Indian Political Thought*, p. 458.

165. *Mālavikāgnimitram*, Act 5.

These viceroys had their own military forces, and the central government would often summon some of their battalions. Besides maintaining law and order and supervising revenue collection, the viceroys were expected to promote public welfare and execute functions likely to promote good government and create public confidence. They had almost all those departments which functioned at the central government. They met the expenses of running the administration from the revenues collected by them. The balance after defraying such expenses was remitted to the center in all likelihood.

DIVISIONAL ADMINISTRATION

Roughly corresponding to the size of a Commissioner's Division, the next administrative unit consisted of three or four districts. It was called a *Bhukti* under the Guptas and *Pratihāras*, *Rāstra* under the *Rāstrakūtas* and *Maṇḍala* under the Cholas and *Chālukyas*. *Rājyukas* who ruled over several hundred thousands of persons in the Mauryan administration, might have corresponded to the modern Divisional Commissioners.

Mookerji¹⁶⁷ informs us that Rājukas were ordinary provincial governors and that the office of the Rājukas had been in existence before Aśoka but Aśoka invested them with great authority. They were granted independence in the administration of law and justice in order that they might perform their duties confidently and fearlessly, bestow welfare and happiness upon the people of the country and confer favours upon them. Thus Aśoka's government was from the very nature of the case partly imperial, i.e., directly under the emperor, and partly local i.e., under the viceroys and governors. The Rājukas had full administrative powers in civil, revenue and criminal affairs. They could confer favours or impose punishments as demanded by the situation¹⁶⁸. But under the Rāstrakūṭas their power appears to have been restricted, even Bankeya, the favourite viceroy of Amoghavarṣa, had to take the imperial sanction for alienating a village in favour of a Jain temple¹⁶⁹. Under the Guptas they had sometimes power of appointing district officers,¹⁷⁰ but sometimes the emperor also exercised it. Aśoka's exhortation to his Rājukas to follow a uniform policy in punishments¹⁷¹ implies that they had judicial powers as well, the same must have been the case with the commissioners of divisions. Probably they constituted the highest court of appeal of the division¹⁷².

Divisional commissioners had extensive powers over their subordinate officers. If the latter became disloyal, they were arrested by them and sent up for further action. They had sufficient military force under their command, which were used for controlling subordinate officials and feudatories. These forces also helped the king in his expeditions.

167 Mookerji R. K. *Chandragupta Maurya and His Times*, pp 52-53

168 Pillar Edict IV

169 Altekar, A. S. *State and Government in Ancient India*, p 213

170 EI 15 p 130

171 Pillar Edict IV

172 Altekar, A. S. *State and Government in Ancient India*, p 214

The term *Rājīukas*, used to denote the divisional commissioners, implies an intimate connection with the measurement and assessment of lands. They are usually mentioned among the officers who are requested not to interfere with the peaceful enjoyment of the lands or revenues assigned to the donors. Revenue settlement of villages or their reassessment necessitated by causes like the drying up of canals must have been carried out under their supervision. Thus it can be inferred that they were also the heads of revenue administration.

It is very difficult to determine the extent to which the provincial governors were subject to democratic restraints. It would not be unreasonable to assume that influences operative at the imperial capital were also at work at the provincial courts, and despotic rule was tempered by subjection to the rule of *Dharma* and the existence of a council of ministers.

DISTRICT ADMINISTRATION

Bhukti was further divided into *Viśayas*, corresponding to the districts of modern administration. This administrative unit was known as *Aharani* in *Kathiawār* and *Rāṣṭra* in *Andhra*. A qualified officer called *Viśayapati* was appointed to this post. He was assisted by a number of subordinate officials as the *Yuktas*, *Āyuktas*, etc. who are exhorted in numerous records.¹⁷ There is also a reference in the *Arthaśāstra* to *Pradeśtr* who had an overall control over the district administration and had the authority to check the work of superintendents and other officers.

functioned under his control. There is no definite information as to whether the different district officers of the commerce, industry and forest departments were subject to the immediate general supervision of the Viṣayapati, though working under the direct orders of the heads of their respective departments at the capital. Whether the Viṣayapatis exercised any judicial powers is also not known. It is however, not unlikely that they may have presided over the district court.

The popular element had a large voice in the district administration at least in the Gupta period. During the reign of Buddhagupta (476-495 A.D.) Vasumitra, Varadatta and Viprapāla, held the posts of Nagara Śreṣṭhin, Sārthavāha, and Prathama Kulika respectively in the same Viṣaya and worked with the district magistrate Sandaka. The fact that these officers are mentioned together with the district magistrate and commissioner (Uparika) shows that they were as important as the latter.¹⁷⁵ The entire administration of the district was conducted with their consultation and assistance. According to Mṛcchakatika, the Śreṣṭhin sat with the judge in the court to dispose cases. Drekmier observes, "the (Gupta) empire was essentially rural in character, and official policy generally encouraged village settlements. The district officer consulted a council composed of prominent citizens (probably caste or guild leaders) before making important decisions."¹⁷⁶

This council consisted of the chief banker, the chief trader, the chief artisan, the chief Kāyastha (writer) and several other members. Seals of the councils of Viṣaya-mahattars have been found at Nālanda. How the members of the Viṣaya-mahattar council were selected or elected is not stated in the Gupta records.¹⁷⁷

The office had its own record office in charge of a Pustapāla who kept accurate records of the dimensions and ownership of not only cultivated but also of waste lands, and of houses, sites in towns and

175 Sharan, P. Ancient Indian Political Thought, p. 461

176 Drekmier, C. Kingship and Community in Early India, p. 186

177 Altekar, A. S. State and Government in Ancient India, p. 347

SUB-DIVISIONAL ADMINISTRATION

Between the district and village there were sub-divisions, their character and area varying widely from age to age. According to Manu¹⁰ ten villages were to form one unit. (Kautilya, however, refers to a group of five villages as the smallest administrative division under Panchagrāma). A group of 10 of these units formed a bigger unit. (Consisting of about hundred villages). A number of these village groups constituted something like modern Tehsil which was known as Pāthaka, Sthālī or Bhukti in different provinces. Khārvaṭīka and Droṇamukha consisting 200 and 400 villages¹¹ respectively were also sub-divisions of Viśayas. An officer like the Tehsildār or the Māmlatdār must have been the incharge of its administration, appointed by the central government. He must have wielded powers similar to those of the Viśayapati, but on a smaller scale. The Tehsildārs carried on the administration of their areas with the help of hereditary revenue officers, at least in the Deccan. They were known as Nāḍgāvundas in Kamataka and Deśa-grāmakū in the Maharashtra.¹² Existence of popular assemblies during the chola period is found. These were the Nāḍu assemblies which took active part in the periodical assessment of land revenue as well as in the classification of land, gave donations of their own and also administered justice,

and the Nagarattar which was the assembly of merchants and traders and looked after trade and commerce

TOWN (AND CITY) ADMINISTRATION

Stray references to town officials and their functions are found in the inscriptions of Aśoka. The Mahamāttas of the towns were charged by Aśoka with the enforcement of regulations for virtuous living among the subjects, and they were also entrusted with the periodical invigilation of the town judges. Further, they had to carry out the king's orders for the punishment of schismatic monks and nuns within their respective jurisdictions. The records, however, are completely silent about the normal functions of these municipal officers.

We get more detailed information of the administration of ordinary towns from the Gupta period onwards. The Purapālas, who were very often military captains themselves, were usually the presiding officers of the towns. If the town was the headquarter of a district, the district officer usually discharged this duty as well. If the town was also a fort, it used to have another important officer called Kottapāla, who had under him a number of commandants.¹⁸³ Sometimes the Purapālas were selected from among the scholars too.¹⁸⁴ The Purapāla was assisted by a non-official committee, called by various names, as Gosthi, Panchakula in the different parts of the country. All the classes and interests were represented on the committee. Sometimes towns were divided into wards and each ward sent its own members to the committee. The Panchakula did not necessarily consist of five, but often of a larger number of representatives. It had an executive of its own for the speedy and convenient disposition of business.¹⁸⁵ Drekmier says, "A fundamental element in town government was a committee (Panchakula) representing all elements of the population

183 EI I PP 154 160

184 IA 17 p 258

185 Altekar A S State and Government in Ancient India, pp 220 222

Administration was expedited by an executive assisted by a secretariat."¹¹

References of town-councils (*Nigamasabha*) are found in the inscriptions.¹²

Next comes the officers of the state in charge of the cities in the empire. The distinguishing feature of the cities was the prevalence of municipal government.¹³ It has been repeatedly remarked that after many generations had come and gone, sovereignty was devolved and democratic governments were set up in the cities.¹⁴ These do not refer to the city-states as Jayaswal thinks.¹⁵ Indeed there could not have been any independent city-state; for Chandragupta, as Plutarch asserts, "had already attacked and subdued all India."¹⁶ What is more probable is that like many other divisions, the cities perhaps, because of their corporate existence, retained a wide measure of freedom and their autonomy was never disturbed and curtailed by the central authority. The cities were distinguished by their corporate existence and municipal government. Megasthenes refers to the municipal board of thirty members, divided into six bodies, discharging multifarious duties. He says that the members of the first looked after everything related to the industrial arts. Those of the second attended to the foreigners. The third registered births and deaths. The fourth class superintended trade and commerce. The fifth supervised manufactured articles, which they sold by public notice. The sixth and the last class consisted of those who collected taxes on the articles sold.

Such were the functions which these bodies discharged. In their collective capacity they had charge both of their special departments,

and also of matters affecting the general interest, as the keeping of public buildings in proper repair, the regulation of prices, the care of markets, harbours and temples¹⁹² The magistrates incharge of the city and those of military affairs were evidently the same as the *Nagarādhyakṣas* and *Balādhyakṣas* of the *Arthaśāstra* Smith remarks, 'the Boards described by Megasthenes as incharge of the business of the capital and army are unknown to the author (Kaṭilya), who contemplated each such charge as the duty of a single officer" But the historian overlooks the fact that Kaṭilya distinctly says, "Bahumukhyam anityam cādikaraṇam sthāpayet," each department shall be looked after by several temporary heads, *Adyakṣa*, *Sankhyaka*, *Lekhaka*, *Rupadarśaka* (coin-examiner), *Nivigrāhak*, *Uttarādhyakṣa* Evidently Smith notices only the *Adhyakṣas* but ignores the existence of the *Uttarādhyakṣas* and others¹⁹³

VILLAGE ADMINISTRATION

The dominant sway of agriculture made the village the unit of society Everything would tend to intensify its group consciousness For fiscal and administrative purposes it was to be the starting point of all arrangements¹⁹⁴

The administration of large areas was possible because rural society was largely self-governing Aloof from the political vicissitudes of the central government and protected by strong traditions, the villages were the storehouses of Indian culture¹⁹⁵ Political decentralization was certainly the most significant practical check on monarchical power The village was the center of or a basis for administration, the primary organizational unit¹⁹⁶

192 Majumdar, R C The Age of Imperial Unity, pp 63-64

193 Raychaudhuri H C Political History of Ancient India, pp 264-265

194 Prasad Beni State in Ancient India, p 8

195 Mookerjee R K Local Government in Ancient India, p 163

196 Drekmier C Kingship and Community in Early India, p 271

VILLAGE HEADMAN : REPRESENTATIVE OF ROYAL AUTHORITY

The village government was usually carried under the supervision and direction of the village headman called *Grāmañi*. He, guided by the Panchayat of the elders, supervised the affairs of the smallest administrative unit. He was the registrar, administrator, and general arbitrator. Each headman was responsible to his superior and was expected to report all important occurrences within his area.

In the words of Sinha,¹²⁷ "The *Grāmañi* had become an attendant of the king, though in theory he was a king-maker". Perhaps he was the intermediary between the government and the people. He must have been responsible for the payment of village tribute to the royal officials and must have been accountable to them for peace and order in village. In fact he represented the royal authority in village, as well as the village in the royal government. The centralization of power seems to have affected the village autonomy to the extent that the *Grāmañi* had become a nominee of the king rather than a popularly elected officer. But the post may have been sometimes hereditary and sometimes nominated and elective.¹²⁸

In the period of the *Sātvāhanas*, however, the villages were placed under the care of the police and soldiers.¹²⁹ On the strength of an inscription of the first quarter of the third century A.D. it has been suggested that the village was managed by the *Gaṁika*. Sharma translates it as *Gumika*, the *Prākṛit* form of *Gaulmika*, (head of a *Gulma*).

As the head of the village council, the *Grāmañi* collected government taxes, kept the village records, directed the militia and was responsible for the safety of the villages. In return he was exempted

from taxes. Though technically a servant of the central government, he was generally a man of the people and was keen to protect and promote their interests. He was like father and mother to the people. Moreover, he was not altogether a free agent in administering the affairs of the villages: there was the primary village assembly to be reckoned with.

LOCAL AUTONOMY: ORGANISATION, POWERS AND FUNCTIONS OF THE LOCAL UNITS

The village council was an important political organisation. The working of the village self government is known to us by the scattered references in the *Arthaśāstra*. The *Jātakas* inform us that neither the village headman nor the village accountant could rule over the village community according to their sweet will. They were guided in the administration by the opinion of the village public, which made itself felt through the village elders, who formed a kind of informal council since the early times. In the Mauryan period villages used to organize works of public utility and recreation, settle the disputes between their residents and act as trustees for the property of minors.²⁰⁰ But they had not yet evolved as regular councils, for the *Arthaśāstra* refers to village elders acting as trustees and not to any village council. Village councils had fully developed in the Gupta period in some parts of North and Central India. They were known as *Panchamandalis* in Central India and *Grāma-Janapadas* in Bihar. A large number of the seals of different village councils have been discovered at Nālandā.

Village elders known as *Mahattaras* functioned in the Pallava²⁰¹ and *Vakāṭaka*²⁰² kingdoms, but we do not know whether they had developed a regular council. Inscriptions from Gujarat and the Deccan²⁰³ however, show that from C. 600 A.D. the village elders

200 AS 3 10 3, 6

201 II 8 p 145

202 Ibid 19 p 102

203 IA 13 p 15

used to appoint a formal executive committee of their own, variously known as *Mahāttarādhipāriṇs* or *Adhikārinmahattaras*, either expression meaning "village elders in office or power".⁷⁴ In Bengal the Mahattaras seem to have been organized into corporate bodies known as *Aṣṭakulādhipikarana*.⁷⁵ The Bengal inscription makes it clear that no land transactions could be affected without their consent. Inscriptions from Rajputana throw light on the existence of village assembly known as *Panchakula* working under the guidance of a headman known as *Mahanta*.⁷⁶

In South India, organs of local government developed beyond the less formal organisations of the north. The Primary Village Assembly of the Tamil country consisted of all the village residents (from C.600 A.D.) Its meeting was usually summoned by the beating of the drum.⁷⁷ Numerous inscriptions from Karnataka show that the number of the *Mahājanas* (great men of village, who formed the sub-committee) was very large, sometimes 200, 420 or sometimes 500 or even 1002.⁷⁸ It is interesting to note that the different terms by which they were known, were *Mahattamas* in U.P., *Mahattaras* in Maharashtra, *Mahājanas* in Karnataka and *Perumakkal* in Tamil country. In the Chola kingdom the village assumed great political importance. "The most striking feature of the Chola polity," says Nilakanta Shastri, "was the unexampled vigour and efficiency of the functioning of autonomous rural institutions".⁷⁹ The Primary Assembly of the village was known as *Ur* in the case of ordinary villages and *Sabha* in the case of *Agrahāra* villages.

The regulations and procedures governing the operation of the assembly were developed by the organisation itself; each village had

its individual constitution²¹⁰ The information which we get about the constitution and functions of the Village Assemblies (Sabhā) and their executive is much more detailed and complete in the case of Agrahāra Villages²¹¹

Appointment to the Assembly was apparently based on the combination of election and lot An inscription discovered at Uttaramallur gives an account of the methods employed The village was divided into 30 wards Residents wrote the name of their choice on a ticket under the supervision of the priest, a young boy drew from the pot a bundle of tickets and from these, one was selected by draw

Commenting on the procedure, R K Mookerjee says, that the description of the procedure of election shows that the people of the whole village regarded themselves as vitally interested in its purity and success, on which depended, so largely, their common welfare²¹² The method of casting lots would give no scope to canvassing and party politics

The persons thus selected were assigned to different sub committees They were generally five in number The first supervised the village gardens and orchards, the second looked after tanks and water supply, the third was concerned with the settlement of disputes, the fourth known as gold committee, had to see to the impartial distribution of gold among the people, the fifth was known as Panchavāra committee, its functions are not clear In addition to these sub committees, there was a general committee of supervision known as Annual Committee The number and functions of sub-committees varied according to the needs and circumstances of each village A land survey committee is disclosed by one record, its function must have been to survey and classify lands and see to it that the

210 Drekmiller C. *Kingship and Community in Early India*, p 274

211 Altekar A S. *State and Government in Ancient India*, p 231

212 Mookerjee R K. *Local Government in Ancient India*, p 164

government assessment was fair and equitable. A temple committee is referred to in another.²¹¹

Members of these committees did not get any remuneration for their work; they worked in an honorary capacity and held office for one year. With a view of giving every person a chance to serve on these committees, it was provided that one who had worked on any committee for one term was not to be re-appointed to it for the next three years. No one could become a member if he did not possess a house of his own and at least $\frac{1}{2}$ Veli of land. This qualification was laid down because it was thought that those who have to deal with public funds should be above needs.

Members found guilty of corrupt practices or misappropriation of public funds were debarred from membership. Not only this, the king could interfere too and punish the guilty. Thus, in the words of R.K. Mookerjee, "The authority of the local bodies was ultimately not merely maintained by the moral sanction of public opinion of the community, but was also enforced by the legal sanction of punishment inflicted by the king".²¹⁴ This is clear from the evidence of certain South Indian Inscriptions, in one of which, of about A.D. 1230, a village assembly decides that any one going against the interest of the village should suffer as the Grāma-drohins do.²¹⁵ This means that injuring the interests of the community is treated as a treason against the common weal and punishable like treason against the king (Rāja-droha). The same significance is borne by the term Grāma-Kantaka in the Uttaramallur Inscription.²¹⁷

Manu²¹² is also explicit on the point, he says, "a righteous king shall apply the law of fines in villages, to those who break an agreement."

Viṣṇu says, "He who violates their established rules shall be banished from the village"²¹⁸

LEGISLATION If the power of independent legislation is one of the criteria of an independent political status, it was amply fulfilled in the case of these local bodies. They developed a distinct body of laws or by-laws to regulate their work, the existence and authority of which are clearly affirmed and admitted by our law books.²¹⁹ According to Kautilya,²²⁰ "the king's accountant must enter into his books the laws, the manners and customs of castes, families, guilds and localities". It may be noted in this connection that the authority of customs or local laws is recognized as early as the times of the R̥gveda which enjoins adherence to the usages of the fore-fathers.²²¹

It was the king's duty to see that these laws were followed. Yājñavalkya enjoins upon the king to make the people obey the laws of their families, guilds, associations and villages.²²²

JUSTICE The settlement of the village disputes was one of the important functions of the village councils. Its court of justice bore the name *Pratiṣṭhita* according to Bṛhaspati.²²³ He says "Whatever is decreed by the village elders in accordance with laws and customs, be it favourable or otherwise to the people, must be approved by the king as well."²²⁴ The king interfered and imposed his judgement only when the Mahattaras themselves were at variance with one another.²²⁵

The local courts took cognizance of both civil and criminal cases. In the *Arthaśāstra* there occurs a passage in which power seems to be given to the headman of the village to deport criminals like a thief or an adulterer. In some of the South Indian Inscriptions there are given

218 Viṣṇu 5 168

219 Mānu 8 46

220 AS 2 7 2

221 RV 8 30 3

222 Yājñavalkya 1 361

223 Bṛhaspati 1 2 3

224 Ibid 17 18

225 Ibid 17 20

power of "land acquisition" in the modern sense of expression. There were of course the attending conditions justifying such an encroachment, if the land was required for excavating a tank, the proprietor was paid due compensation in shape of another plot of land. As in acquisition, the assembly possessed sweeping power in disposal, distribution and sale of the land.

TAX COLLECTION : Several records from South India make it quite clear that the ultimate responsibility for collecting the land revenue was fixed upon the village council. It was this body which negotiated with government for concessions in the usual demand in the case of famine and similar calamities. But when the account was once settled, the village council had to collect the dues from the land owners and even proceed to auction their land, if they were in default for a long time. The council had even the power to exempt a piece of land from the taxation of the central government, if its owner deposited with it the capitalized value of annual tax.²²⁸ The tax was of course paid by the council itself out of the interest of the capitalized fund.

The amounts payable by the inhabitants were determined by royal officers on the basis of land survey carried out by them with the help of the assembly, the accounts kept by the assembly were audited by royal officers. The assembly also controlled the currency through a special agency known as the gold committee.

PUBLIC WORKS Local bodies had also their, "Public works" departments. Preservation and maintenance of public halls, temples, tanks, rest houses, wells for the supply of drinking water to the travellers, construction of water-courses and places of worship, protection against incursions of the wicked people and relief to the distressed were the functions discharged by the assembly.

228. Altekar, A. S. *State and Government in Ancient India*, p. 236.

But (as the commentator on Nārada explains) though the local bodies are self governing and are to be treated and maintained as such by the king they must know that there are limitations upon their authority restricting their legislative and executive powers. These limitations are those imposed by morality, religion and the interests of the central government or the state.

The collection and payment of the royal revenue due from the village was obligatory duty of the assembly, its refusal led to the arrest of the members and sale of their land to recover the arrears of collection. The accounts of the assembly were audited by the king. The revenue share was fixed by the king's officers on the basis of land survey executed in co-operation with the assembly's land survey committee.

The royal interference in the affairs of the village was exercised through a special department called 'Local Government Board' in charge of a minister called Adhikarin. The most usual occasion for the central government to issue decree was the grant of village land to a temple or for other public purposes or to make certain lands tax free. The government could intervene if it found that the local bodies were not honest or careful in the performance of their duties as trustees of property committed to their care. It is on record²³¹ that a village assembly was found to have misappropriated some money which was deposited with it as a trust fund for the service of the temple. When the temple authorities reported the matter to the king the latter ordered an inquiry as a result of which the guilt of assembly was proved. The assembly was made to refund the money to the temple.

Nārada²³² mentions some other grounds on which the state could interfere with local administration. According to him a cause arose if

231 Madras Epigraphy Annual Report 1906-7 p. 71. Quoted by Altekar, A. S. *State and Government in Ancient India*, p. 235.

232 Nārada 10.4.7.

ROYAL AUTHORITY AND THE ECCLESIASTICAL AUTHORITY

The ecclesiastical authority played an important role in deciding the nature and extent of royal authority in various epochs. The ecclesiastical authority embodies in itself the priestly class as well as the office of the Purohita. 'The beginnings of the Smṛti doctrine of two powers (namely, the spiritual and the temporal)', says Ghoshal, 'with the accompanying conception of a sharp contrast between their respective attributes and functions and the interpretation of their mutual relations in diverse and even contradictory terms may be traced back to the Vedic Saṁhitās and the Brāhmaṇas'.¹ How far the ecclesiastical authority influenced the royal authority is an interesting and worth studying subject. It raises many problems to be investigated, such as, was the king with all the powers of a state in his hands, subordinate to the spiritual power, or he was able to achieve a superior authority? However, while studying such issues the factors of time and space are to be kept in mind.

OFFICE OF THE PUROHITA

Around the king stood some outstanding dignitaries whose counsels guided the course of the administration. Prominent is the Purohita, the royal chaplain, who seems to have been most powerful in early times. His office is called Purohiti or Purodhā. His importance can be seen from the fact that among the ministers, Purohita alone enjoys the

distinction of having a ritual prescribed for his installation - the Brhaspatisava.

In the Aitareya Brāhmaṇa he is called "the protector of the kingdom".² No office of the king is said to have existed without the office of the Purohita. Both went together as twins of the same mother, the state.³

The Mahābhārata⁴ offers a gist of the qualities of the Purohita and declares that he should be well-versed in the Vedas and its six limbs, pure, faithful, religious- hearted, and high-souled. He should be competent to strive for the victory of the king on earth and attainment of heaven afterwards.

The office of the Purohita is extremely exalted⁵ and the welfare of the king was made dependent on him.⁶ "The Priest", says Aitareya Brāhmaṇa, "surrounds and protects the king with his powers, just as the ocean girdles the earth".⁷ The subjects of that king live in perfect harmony, and are devoted to him who is guided by a wise priest.⁸ The Atharvaveda directs the king to follow the Purohita as a student his teacher, a son his father, and a servant his master.⁹ Among the officials of the state he occupied the highest rank by the virtue of his Varṇa and duties. The king, while appointing the Purohita had to ascertain his qualities regarding the ability to safeguard the king, prevent him from untruth, lead him to success in all directions and such other matters.¹⁰

ROLE IN STATE ADMINISTRATION

The Vedic Purohita was entrusted with both spiritual and temporal functions. On the one hand he was essentially the king's chaplain and

2 Ait. Br. : 8.40.

3 Bhambhari, C.P. : Substance of Hindu Polity, P. 92

4 Mbh. : Ādi. 172. 76-77

5 AS. : 1.9.9.

6 Mbh. : Śānti. 73.29.

7 Ait. Br. : 8.40

8 Basu, J. : India of the Age of the Brāhmaṇas, P. 25

9 Bhambhari, C.P. : Substance of Hindu Polity, P. 93

10 Misra, Sudama : Janapada State in Ancient India, P. 123

took active part in the performance of all royal sacrifices, on the other hand he exercised a general supervision over the kingdom so as to earn him the title of Rāṣṭra Gopa, the protector of the kingdom

The Purohita performed rites for ensuring the prosperity of his state as well as those rites for alienating the state of the enemy¹¹ He was required to overcome both human and divine calamities by performance of rites¹ He stood as a spiritual preceptor (Gurū) of the king He was to protect the state by counteracting the magical charms of the enemy, and ensuring its prosperity by performing the requisite rituals Throughout the R̥gvedic period the priests are seen as the rain makers, and therefore command reverence and devotion Occupying a prominent position in the state administration, the Purohita appears as one of the king makers- Rājakṛtas in the form of a Ratnū in the Vedic age and as a minister in later period

His political power was great As the king's right-hand, he was to be consulted on matters relating to divine and human affairs And generally his decisions (alongwith the other ministers) were accepted Āitareya Brāhmaṇa declares him to be indispensable to the success of royal enterprise The Purohita is entrusted in the Dharmaśūtra texts¹² with the right of punishing the Brāhmaṇa offenders guilty of non performance of the penances for the breach of caste rules The Purohita's share in judicial administration is illustrated in the joint penance imposed upon him and the king for the failure to punish the guilty and still more for the punishment to the innocents¹⁴ In Kauṭilya's Arthaśāstra the Purohita shares with the king the selection of the Amātyas for specialized posts,¹⁵ hearing of suits of learned men

11 Gautama, Dh Sūtra 2.2.17, 18.1

12 Mabbett, t W Truth Myth and Politics in Ancient India, P 44

13 Āpastamba, Dh Sūtra 2.5.10.12

14 Ghoshal UN A History of Indian Public Life p 23

15 AS 1.10.1

and ascetics at the audience hall.¹⁶ and giving speech and praying for the victory of the troops in times of war.¹⁷

The authors of the Dharmasūtras and Arthasāstra equally contemplate the Purohita as guiding the king's policy. "The King", says Gautama,¹⁸ "shall perform his acts under the Purohita's instructions". According to Baudhāyana¹⁹, "the king shall abide by Purohita's direction.... Moral guidance was provided by the Purohita, who was charged with what, a later age might call judicial review- interpreting the decisions of the Paṇḍit in the light of the sacred texts.

That the administrative affairs of more than one state were looked after by the Purohitas is evident from several references. Priest Devabhāga Śrautarṣa looked after the administration of two states, the Kurus and Śrījayas. Jālu Jātukarṇya held the post of chief advisor of the three states of Kāśī, Kosala and Videha simultaneously. This fact bespeaks of the extraordinary administrative ability of the Purohitas of later Vedic age.²⁰ When the king, engaged for a long sacrificial session, could not direct the administration, it was the Purohita who took his place and directed the affairs of administration. The Rāmāyaṇa shows that when the monarchy was in abeyance owing to the absence of a suitable heir to ascend the throne (at Ayodhyā), it was Purohita Vasiṣṭha who carried on the administration.

U.N. Ghoshal quotes the statements of Bhīṣma who explains that a wise king should recover his position by the strength of the Brāhmaṇa power, for, this is the only support of the king with declining strength. That even the military department was not thought outside his ken, is indicated by the stories of his advising the king about the military strategy and about the successful defence of the capital against a

16 Ibid. : 1.19.23,24.

17 Ibid : 10.3.32.

18 Gautama, Dh. Sūtra : 2.2.13-14.

19 Baudhāyana, Dh. Sūtra : 1.10.18.18.

20 Basu, J. : India of the Age of the Brāhmaṇas, P. 27.

foreign enemy.²¹ The example of Kṛpācārya can be cited here. It was the master mind of Cāṇakya which planned the strategy of war, collected army and paved the way for Chandragupta for the establishment of a vast empire.

Purohita must have wielded considerable influence in the period of culmination of the Vedic sacrifices. When the popular faith in them declined with the rise of the Upaniṣadic philosophy and the Jain and Buddhist movements, the influence of Purohita must have declined. Though in the Jātakas he is still seen occupying an important position, but no doubt later on his influence declined. Kautilya's secular tone and freedom from any religious bias tends to show that priestly influence was not always so powerful as the Dharmaśūtras might lead us to suppose. Post Gupta Inscriptions usually distinguish him from the ministers, showing that he was no longer, a member of the ministry.²² Śukranīti probably follows the old tradition, when it places the Purohita at the head of the ministry,²³ it, however, admits that he had no place in that body according to the view of others.²⁴ Though the Purohita ceased to be a member of the ministry from C-200 A.D., he continued to exercise considerable moral influence upon the king. The frown of an ideal Purohita was sufficient to keep the king on the path of virtue and rectitude.²⁵

The presence of the Purohita (representing the priestly class as well as his office of a counselor), alongwith the notion of the supremacy of Dharma must have limited the king's authority. However, these limitations and the relations between the two powers varied somewhat in the course of history.

21 Ghoshal U N. A History of Indian Public Life p. 23

22 EI. 9 P. 24

23 Śukra. 2.75

24 Ibid. 2.72

25 Ibid. 2.79-80

DOCTRINE OF TWO POWERS: STATUS OF THE TEMPORAL AND THE SPIRITUAL POWERS.

The technical terms indicating the concepts of spiritual and temporal powers. *Brahma* and *Kṣatra*, may be traced back to the hymns of the *R̥gveda*. The mutual relations between the spiritual and the temporal powers consist of a bundle of divergent and even contradictory ideas.²⁶ In some passages the relation is declared to be one of interdependence as when we are told that a *Brāhmaṇa* who has a *Rājanya* is superior to another *Brāhmaṇa*, while a *Rājanya* who has a *Brāhmaṇa* is superior to another *Rājanya*,²⁷ or that they depend on each other.²⁸

By contrast other passages in the White as well as the Black Yajus *Samhitās* lay down the remarkable dictum of the *Brāhmaṇa*'s independence of the king. These ideas differ in other texts. Thus, we are told that because of the performance of specific sacrifices, the *Brāhmaṇa* is the chief,²⁹ that is, prior to *Kṣatra* and *Kṣatra* falls under the influence of *Brahma*,³⁰ and that *Brahma* is yoked before *Kṣatra*, for *Brahma* comes before *Kṣatra*.³¹

Occasional references are found tending towards a diametrically opposite conclusion, namely, that of the inferiority of *Brahma* to *Kṣatra*. A ritual of the *Rājasūya* sacrifice is interpreted in the *Śatapatha Brāhmaṇa*.³² to mean that the *Brāhmaṇa* is thereby made an object of respect after the king, thus involving the principle of social inferiority of *Brahma* to *Kṣatra*.

However, another extract from the same work³³ involves an extreme development of this doctrine (of two powers) so as to exalt the

26 Ghoshal, U.N. : A History of Indian Political Ideas, p. 32

27 Taitt. Sam. : 5.10.10.

28 Ait. Br. : 8.2.

29 Taitt. Sam. : 2.6.2.5

30 Ait. Br. : 8.9

31 Panca. Br. : 11.1.2.

32 Śat. Br. : 5.4.2.7.

33 Ibid. : 4.1.4.1-6.

spiritual power at the expense of the temporal. The allegory of Mitra and Varuṇa in the Satapatha Brāhmaṇa correctly represents the final rapprochement between the two classes. 'Mitra represents priesthood and Varuṇa nobility, and the priesthood is said to be the conceiver, while the noble is the doer—so the two are united' ³⁴ But they do not unite on equal footing. It was Mitra who ensured success, and hence was declared to be supreme. 'We are told that a Brāhmaṇa could be without a king, but were he to obtain a king, it would be conducive to the success (of both). It is, however, quite improper that a king should be without a Brāhmaṇa for, whatever deed he does, unsupported by Mitra, therein he succeeds not' ³⁵ The Brāhmaṇas were in fact looked upon as the natural guardians of the society ³⁷

There were various ceremonies and rites associated with the institution of kingship. The most important among them were the Rājasūya, the Vajapeya and the Aśvamedha sacrifice. Rājasūya sacrifice was obligatory as it bestowed the royal authority on the king-elect. Now these sacrifices had become a part of Brahmanical ritualism and the royalty received its religious sanction through their performance ³⁸

The religious implication of these political rites or royal sacrifices transformed the character of kingship from that of secular to that of religious character ³⁹ The exaltation of the Brāhmaṇa over the Rājanya is further indicated by what the Aitareya Brāhmaṇa⁴⁰ declares, that the gods do not eat the food offered by a king without a Purohita. Gautama, while asking the king to appoint a domestic chaplain (Purohita) maintains that the temporal power helped by the spiritual

34 Ibid

35 Drekmeier, C. *Kingship and Community in Early India*, p. 22

36 Sat Br. 4.14.6

37 Banarjee, P. N. *Public Administration in Ancient India*, p. 22.

38 Sinha, H. N. *Sovereignty in Ancient Indian Polity*, p. 48

39 Ait Br. 8.15

40 Ibid 8.24

power prospers and does not fall into distress.⁴¹ Similarly Vasiṣṭha⁴² while justifying this obligation of the king, cites the dictum that a kingdom, with a Brāhmaṇa as the king's domestic chaplain, prospers.

The Smṛtis and the Epics, while exalting the position of Brahma also point towards the interdependence of each other. Manu⁴³ observes that the king, even when he is plunged in the deepest distress, must not provoke the anger of the Brāhmaṇas. When the Kṣatriyas become overbearing in every way towards the Brāhmaṇas, the spiritual power was to restrain them, for, the spiritual power was the source of temporal power, like fire from water, iron from stone, the temporal power is derived from the spiritual power and therefore, the all penetrating force of these three is extinguished at their source; the temporal power does not prosper without the spiritual, nor the latter without the former, and when they are closely united they prosper in this world and the next. Asking the king in one place to appoint his domestic priest (Purohita) Bhīṣma⁴⁴ says that the king and his Purohita being fixed in righteousness and firm in faith and practised in austerities, being mutual friends and having the same minds, benefit the people; when the spiritual and the temporal powers are in conflict,⁴⁵ the kingdom is ruined and it becomes infested with robbers; When Brāhmaṇas abandon kṣatriyas, their oxen do not thrive and their pots of milk do not churn in their households, they alongwith their sons do not study the Vedas or perform sacrifices, and they are reduced to the condition of robbers; these two are constantly joined with each other for their mutual protection, for the spiritual power is the source of the temporal power and vice versa; when they constantly help each other, they attain high prosperity, but when their primeval is broken, everything is plunged in confusion and the people

41 Gautama, Dh. Sūtra : 11.15-16.

42 Vasiṣṭha: Dh. Sūtra : 19.11.

43 Manu : 9.313-322.

44 Mbh. : Śānti. 74.1-5.

45 Ibid : 74.8-32.

suffer destruction. He further says that the kingdom thrives when the spiritual power dispels 'unseen' fears and the king with the might of his arms dispels 'seen' fears⁴⁶. The Brāhmaṇa should constantly perform religious rites and the Kṣātra should wield weapons, 'for whatever exists on the earth depends upon them'.

The institution of kingship had emerged out of human needs and as such was a secular institution. This infant institution required a firm stand or support for its development and what could be better than the support of the spiritual authority, who by the virtue of its position and intellectual attainments had gained ascendancy over the other classes. However, the theory of interdependence shows another side of the picture. For the preservation and protection of the sacred law and religion the Brāhmaṇas required the support of the royal authority. So the two united together. Authority of the king was given religious sanction and he also became the 'Guardian of Law'.

With the lapse of time, the Kṣātriya power gained strength under the superiority of the Brāhmaṇas and as their position got secure, a faint note of dissent was heard here and there which grew in volume and strength with the passage of time.

The consciousness of their corporate existence and of their power, however, sometimes led to an unhealthy rivalry between the two orders that had been originally designed to supplement each other⁴⁷. A Section of the Mahābhārata⁴⁸ is concerned specifically with the behaviour of the Brāhmaṇas in conflict with the political authority. On one occasion king Viśvantara turned out the priest from his sacrifice⁴⁹. Even priest Viśvamitra was turned out by king Sudāsa, who appointed Vasiṣṭha as his chief minister. On another occasion the Brāhmaṇas are found to be directed by kings like Ajātaśatru and Janaka. Gradually the Brahmanas, in the course of time came to be

46 Ibid 75 I

47 Śat Br 4 I 4 4 5

48 Mbh Śānti 79 t9

49 Ait Br 7 27

considered to follow the king and 'became an object of respect after the king'.⁵⁰

The general superiority of the Brāhmaṇas over the Kṣatriyas was admitted to some extent, but the influence of the former class in the state was not quite exclusive. Even in the sphere of religion their supremacy did not remain undisputed. For, we find in the 6th century B.C., two of the greatest reformers - Mahāvira and Buddha- belonged to the Kṣatriya class. Throughout the period known as the Buddhist Age, the superiority of the Brāhmaṇas was challenged by men belonging to other classes.⁵¹

The rise of these two religions had a great impact on the position of the priestly power. They were a challenge to the claim of the Brahma of its superiority and impact on the Kṣatra. To establish themselves firmly, these non-Brahmanical religions (i.e. Buddhism and Jainism) sought royal support and assistance, and the king recognized in them the means of release. In spite of their dominating attitude towards the royal power the priestly class gradually realized that in order to combat the spread of the heretical systems, the co-operation of the ruler was extremely necessary. They strove to induce the king to maintain the four orders of society and the prescribed duties of each intact, by his powers.

In the earlier times, the king had to rely on the support of the Brahmanical authority, but with the king gaining more authority, and the great change in the religious circuit compelled the priests to look upon the ruler for support and help.

The inevitable result of this two-fold appeal for royal support was that, that the prestige of the ruler and, therefore, of the state began to grow, and instead of dominating the royal power, the class of priests was gradually reduced to the position of dependence. It helped the

⁵⁰ Śat. Br. : 5.4.2.7.

⁵¹ Banarjea, P.N. : *Public Administration in Ancient India*. p. 22.

self-assertion of the king. In the words of Sinha,⁵² "When Brahmanism looked upon the king as the sole savior of the social order and sacred law, and when Buddhism courted his support, the importance of the king in the scheme of society was undoubted."

This should not be taken to mean that the importance of the ecclesiastical authority had altogether gone down. The Purohita still enjoyed his privileges and the powers of his position to a certain extent. The Dharmaśūtras lay down that "the king is the master of all with the exception of the Brāhmaṇas"⁵³ and "all except the Brāhmaṇas shall worship him, while the Brāhmaṇas shall honour him."⁵⁴ The Dharmaśūtras thus place the Brāhmaṇas, if not above, on the equal footing to the king. The worship of the ruler marked the beginning of that process which ended in attributing the ruler with divine qualities.⁵⁵

The rise of new castes and creeds created drastic changes in the social order and the society in order to maintain its equilibrium came more and more to rely on the support of royal power. It was this spirit that exalted the government, and the king became the custodian of the moral and material welfare of the society. The natural consequence of such a reliance, at a time when the rise of an extensive country-state had become an established fact bringing with it an extension of the power and resources of the king, was that the royal government attained a degree of competence never known before.⁵⁶ Kautilya says "this people (society) consisting of four Varnas and four Āśramas, when governed by the king with his sceptre, will keep to their respective paths, ever devotedly adhering to their respective duties

52 Sinha H N. *Sovereignty in Ancient Indian Polity*. XII

53 Gautama Dh Sūtra 2.2.1

54 Ibid. 1.1.7.8

55 Mbh. Śānti. 40.41.68

56 AS. 1.4.4

and occupations."⁵⁷ Not merely that, the king is the promulgator-Pravartaka of the Dharma.⁵⁸

The two striking aspects of the Aśōkan administration were (1) the absence of Purohita in the administrative machinery and (2) the regulation of religious conduct and social morals by the government. The Mauryan administration in the time of Chandragupta shows the inclusion of Purohita in the ministry. He was regarded as supreme among the ministers. But during the reign of Aśōka no reference to the Purohita is found. Instead there were the Dharmamahāmātrās, who were not an authority above the king, but were appointed by the king himself. The Dharmamahāmātrās supervised the affairs of the Saṃghas, the Brāhmaṇas, the Ājīvikas and various other sects.⁵⁹ The appointment of the Dharmamahāmātrās shows that the ruler had gained over religious authorities and they were obedient to the king. They worked according to his will.

Aśōka's government also regulated the moral conduct of the people. He drew up his own Commandments and saw to their proper implication, for which he had made elaborate arrangements. He insisted upon charitable conduct and Ahimsā. He frankly recorded that "now this progress of morality among men, has been promoted only by two ways- by moral restrictions and by proper introspection".⁶⁰ Sinha says⁶¹ that "the people follow those moral instructions, which have been imposed by him, i.e. he forced the people to follow his moral restrictions pertaining to social and religious conduct." But he had imposed the ethical code on his people, not with a view to emblaze his authority but to promote sincerely, the good and happiness of the people.⁶² Sinha's contention

57 Ibid. : 1.4.16.

58 Ibid : 3.1.38.

59 Delhi-Toprā Pillar Edict VII: Manasērā Rock Edict.

60 Delhi-Toprā Pillar Edict VII.

61 Sinha, H.N.: Sovereignty in Ancient Indian Polity. P. 187.

62 Ibid.

that Aśoka imposed his regulations upon his people cannot be agreed to. The people were free to follow any religion or moral principles they liked. Aśoka had only put forward his view, he had not declared his ideals as the religion of his state. However, he was the ruler who had interfered with the work of the religious authorities (of forming norms, moral ideals and duties) and had declared his own ideas about the morals and ideals essential for the happiness of the people with considerable authority.

Aśoka had brought under the state control the affairs of all religious sects (Buddhist sanghas, Jain monks, Brāhmanas and Ājīvikas etc.) and had raised the state above all the institutions, he had made a strong hold over the religious preachers.

The ruler had now the authority to determine what was right law and duty and what was not. He was not merely a protector of law, but also the promulgator of law and religion. This journey of a king from Dharmarakṣaka (protector of faith) to that of a Dharmaprativāka (promulgator of faith) points to the great change in the position of both the royal and the ecclesiastical authorities. Thus, the king was gradually rising to become a sovereign in a real sense.

After the disintegration of the Mauryan empire, the country fell prey to foreign invasions, namely of the Śakas, the Kuṣāṇas and the Bactrian Greeks. The new comers had entered the country at the time of Brahmanical revival under the Brāhmaṇa rulers of the Śunga and Kanva dynasties. Those foreign invaders were not accepted into the Brahmanical fold and were branded as Mlecchas. As a result they eagerly embraced Buddhism which accorded them a better treatment. Thus political rivalry received a sting from religious differences. Such a state of affairs brought out the state's role of religious partisan.

Since the Brahmanical revival depended upon the royal power, the forces of religious orthodoxy were focused to strengthen the royal power. The king therefore came to be regarded as god in human form. The king ruled by the right for the protection of the sacred

religion and took on the epithets of Devaputra, Parambhattachāraka etc. In the words of R.S. Sharma, "although the potentiality of the idea of strengthening royal absolutism cannot be denied, it was eagerly sized and sharpened as a weapon of the ideological defence of the Brahmanical social order."⁶³ The centralization of power in the hands of the king and the reliance of religious authorities on his power made the royal authority increasingly effective.

The Gupta rulers realizing the evil consequences of kings playing the role of religious partisans, adopted the policy of religious tolerance. And though in those days the Brāhmaṇas gained an unassailable position as religious and social leaders, they lost political influence they once possessed. Individual Brāhmaṇas continued to fill high offices in the state, but could not wield such powers as they had wielded earlier. The rulers were not prepared to be swayed by their religious affiliations in the matter of public interest and administration; and this was the clearest manifestation of the supremacy of the state over religion. The dominant impression that can be drawn is that the royal authority prevailed over the ecclesiastical. In other words, the king enjoyed undisputed sovereignty.⁶⁴

DIVINITY OF THE KING

The doctrine of the divinity of the king though adversely affected the position and power of the ecclesiastical authority i.e., the Purohita, it helped in bestowing more powers upon the king. "It is interesting to note", states Altekar, "that this doctrine, which became popular in the first millennium of the Christian era, was unknown to the R̥gvedic period".⁶⁵ B. G. Gokhale,⁶⁶ however, takes its antiquity to the R̥gvedic period. He quotes the hymn wherein one king alone, Purukutsa has been only once described as Indra's companion and Ardha-deva or

63 Sharma, R.S.: Aspects of Political Ideas and Institutions in Ancient India, P.233.

64 Renou, Louis : The Civilization of Ancient India, P. 92.

65 Altekar, A.S. : State and Government in Ancient India. P. 89.

66 Gokhale, B.G. : Indian Thought Through the Ages. P. 151.

semi-divine⁶⁷ and one solitary and late passage of the Atharvaveda⁶⁸ describes king Parīkṣita as god among men. These singular examples do not prove the acceptance of the divinity of the king by that age. There is almost nothing in the Vedas to suggest the divine nature of the king and his dependence on popular support tends to rule out any claim to divine right.

The theory of the divinity of the king is at first indicated in the later Vedic literature and afterwards elaborated in the *Lpics*, the *Smṛtis* and the *Purāṇas*. The question which now arises is why was the king favoured with divinity in the later Vedic period. The answer can be found in the interpretation of the passages of the literature of that period.

From the passages describing the Devāsurasamgrāma in the *Taittirīya Saṁhitā*⁶⁹ it can be inferred that the institution of kingship arose out of military needs. The conflict described, probably refers to the conflict between the Āryans and the non-Āryans (sometimes called as Devas and Asuras). To gain victory over the Asuras, the strongest among the Āryans was chosen as the king and was attributed with divine qualities. This was done with a view to establish firmly the victor over the conquered territories and seek the allegiance of its people. The *Śatapatha Brāhmaṇa*⁷⁰ interpreting a *Rājasūya* ritual observes that thereby Varuṇa Dharmapati makes the sacrificer the Dharmapati (lord of law), quoting the formula of another *Rājasūya* ritual the same work⁷¹ boldly transfers the epithet *Dhṛt Vrata* (upholder of the law) from the God Varuṇa to the human king. This divinely ordained authority was given to the king so that the law imposed by him on the people could be obeyed with either fear or

67 RV 4.42.8-9

68 AV 20.127.7

69-70 Drekmeier C. *Kingship and Community in Early India*, p. 20

70 *Taitt. Sam.*, 2.4.2.1

71 *Śat. Br.* 5.3.3.9

72 *Ibid.* 5.4.4.5

with respect. And, as political authority became associated with divine sanction, the king became less dependent on the support of the people.

In the later period, as the rise of Jainism and Buddhism threatened the very structure of Brahmanism, it was realized that the state must be loyally served by religion. Religion began to work on the susceptibilities of the people in order that they might tender their whole-hearted allegiance to the king. That would exalt his power and make for the centralization of resources and the authority. Hence an attempt was made to invest the king with divine authority. This was accomplished through the popular literature like the Epics and the law-codes. Ideas, that the king is a God in human form were preached in a very insidious manner. That is why God was now incarnated as the Kṣatriya king, as in the Rāmāyaṇa.⁷³ The seal of divinity was set when the Mahābhārta⁷⁴ pronounced that God and king were alike and that every king was a part of god Viṣṇu. This shows that since the state offered its support to religion, religion in turn invested the authority of the king with a halo of sanctity and divine glory.

In the view of Ghoshal⁷⁵ the much secular Arthasāstra also does not hesitate to use the concept of the king's parity with Indra and Yama to reinforce the authority of the king in an attempt to enforce implicit and total obedience to his rule on the part of his subjects.⁷⁶ In the 13th book of the Arthasāstra there are references to ingenious devices for the propagation of the supernatural powers of the rulers, his close association with gods. It is said that the king, desirous of conquest, should impress upon the people of the enemy's country his own divine character in order to win over their allegiance without difficulty.⁷⁷ This is reflected by the conversation between the spies. It

73 Sinha, H.N. : Sovereignty in Ancient Indian Polity, P. 234.

74 Mbh.: Śānti. 59.128.144.

75 Ghoshal, U.N. : A History of Indian Political Ideas, p. 117.

76 AS. : I.13.10.

77 Journal of Indian History, Vol. 54. P. 513.

is doubtful whether Kautilya was an advocate of divine rights of the king

And if this exaltation of the royal power lacked force and effectiveness, that was supplied by practices of the foreign invaders who entered India after the fall of the Mauryans. Soon after the breaking up of the empire there began the influence of Dharmaśāstras, and the intrusion of Persian and Central Asian ideas about kingship.⁷⁸ The Kuṣāṇas used the grandiloquent titles they had borrowed from the Persian, Hellenistic and Chinese cultural traditions.⁷⁹ Despite the fact that most Kuṣāṇa rulers were Buddhist they tried to deify themselves by adopting the titles of Devaputra and instituting the dead king's cult. They also exploited the sentiments of the people through the medium of coinage. Although the coronation formulae refer to the prayers to various Gods conferring their respective qualities on the king designate, they nowhere describe him as the son of God. On the contrary they clearly mention the human origin of the king. The Kuṣāṇas followed the practice of erecting Devakulas, in which the states of the dead rulers were housed. The adoption of the title Devaputra and establishment of the Devakulas were deliberate devices of the Kuṣāṇa rulers to deify the kings. The varied reverse devices of the Kuṣāṇa coins⁸⁰ show the various Zoroastrian deities as well as the Hindu deities. The representation of those deities, worshipped in various provinces of the far-flung empire of the Kuṣāṇas, on their coins, is suggestive of an attitude of honoring religious beliefs of the conquered people. On the obverse of the coins, Wema Kadphises appears in clouds or flames rising from his shoulders. On the coins of Kaniska he is found 'Nimbati' or with a halo around his head. These marks of divinity associated with the Kuṣāṇa coins shows their super-human power and supermundane glory before the eyes of the common people. Because of their foreign

78 Gokhale B G. *Indian Thought Through the Ages*, P 153

79 Majumdar, R C & Altekar A S. *The Vākātaka Gupta Age* P 269

80 Chattopadhyaya, B. *The Age of the Kuṣāṇas*, P 141

origin, it was easy for the Kuṣāṇa kings to establish their authority by adopting divine epithets. The deification served them to secure the allegiance of the subjects and also the power to combat with the Brahmanical ritualism which had not accepted them in its fold.

Divinity has been definitely claimed for the king by some Smṛtis and Purāṇas. "The *raison d'être*" of "the exaltation of kingship", according to Sinha, or apotheosis of kingship has been set forth with colour and cogency, because, the king is indispensable, for without the king people perish and gods frown. Law disappears and so do trade and agriculture. The rain fails, men prey upon one another like fishes, family purity and social morals degenerate, the orders of society forsake their duties and religion decays. Indeed, the power of king seems to be like that of Gods in reference to human happiness.⁸¹

Manu observes that the king is verily a great divinity in human form. He says, "The lord created the king for the protection of this whole creation taking eternal particles of Indra, Vāyu, Yama, Sūrya, Agni, Varuṇa, Candra and Kubera. Because a king has been formed of particles of these Gods - he, therefore, surpasses all created beings in lustre, and like the sun he burns eyes and hearts, nor can any body on the earth gaze at him. Even an infant king must not be despised, for being a (mere) mortal, for he is a great deity in human form."⁸² The Viṣṇu purāṇa⁸³ says that a number of divinities reside in the person of the king.

High sounding honorifics were assumed by the Gupta rulers and the rulers of the later dynasties. Right from the Guptas upto Harsa and many other kings, who happened to rise to paramountcy in the sense that they commanded the allegiance of a few kings, never failed to take the titles of Parameśvara, Mahārājādhirāja and Paramabhṭāraka

81 Sinha, H.N. : Sovereignty in Ancient Indian Polity, P. 235.

82 Manu : 7.3-8.

83 Viṣṇu. P. : 1.3.14.

the most worshipful master⁸⁴ Samudra Gupta is described in the Allahabad Prasasti as 'a God dwelling on earth, being a mortal only in celebrating the rites of the observances of mankind,'⁸⁵ and in the Gayā copper Plate Inscription the ruler is compared to the Gods, such as Kubera, Varuṇa, Indra and Antaka.⁸⁶ The Gupta rulers are repeatedly compared with Viṣṇu as regards preservation and protection of the people, and Laxmī, the Goddess of prosperity is represented on many Gupta coins. Probably, they had adopted the method of the Kuṣāṇa rulers of exploiting the religious sentiments of the people and gaining their support. However, there is a striking difference between the words engraved on the coins for them. The Gupta rulers have been called Deva,⁸⁷ representing themselves as God, not as the sons of God as in the case of the Kuṣāṇa rulers. Prabhākaravardhana as well as Harṣa assumed the titles of Paramabhaṭṭāraka and Mahārājadhīrāja.⁸⁸ Even Yaśodharman assumed the style of Janendra i.e. lord of the people, Rājadhīrāja and Paramēśvara.

The divinity of the kingship is invariably taken for granted in later inscriptions and literature. It is pointed out that a king should not be blamed or abused or reviled, because the Gods themselves move about on the earth in the form of king.⁸⁹ Honouring and obeying the rulers are the divine and human obligations of the people.⁹⁰ With the formation of such ideas the process of the deification of kingship was almost complete. When the Avatara theory became popular kings began to be regarded as incarnation of gods. Thus, king Chandra and Govindachandra of the Gahadavāla dynasty were regarded as

84 CII 3 No 1, 4, 5, 10

85 Majumdar, R.C. & Pusalkar. *The Classical Age*, P. 15

86 CII 3 No 1

87 Sel. Inscr. In. 3 No 2 1 20

88 CII 3 No 52

89 Majumdar R.C. & Pusalkar. *The age of Imperial Kannauj* P. 236

90 Ibid

incarnations of Brahma and Hari respectively.⁹¹ But it is the view of only a minority which maintains that the king is the deity incarnate.

Almost all the Smṛtis and the Purāṇas talk of the functional resemblance between the king (on one side) and the various deities (on the other). The divinity entered in a king by the virtue of his functions in protecting the society, was like God's function in guarding the order of the Universe, and the Dharma. Function rather than origin defined divinity;⁹² if a God failed in his function he violated Dharma, generated evil Karma and lost his nature, so it was with the king.

Śukra makes it clear that it is the institution and not the person of the king that is divine.⁹³ "The author of the Nitisāra", writes Drekmier, "attempts to relate the doctrine of king's divine appointment with the older theory that based authority and right to tax on the ability of the ruler to provide protection".⁹⁴ Thus, according to Śukra the ruler is divinely ordained with authority for the purpose of protecting the people.⁹⁵

U.N. Ghoshal⁹⁶ finds functional resemblance of the king to the eight deities given by Manu. These are, his Indra-function, when he bestows benefits on the kingdom; his Sūrya-function, when he collects taxes like the Sun drawing up the waters with his rays; his wind-function, when he sends his spies every where; his Yama-function, when he controls his subjects; his Varuṇa function, when he punishes the wicked, his Moon-function, when he gladdens the hearts of his subjects; his fire or Agni-function, when he destroys the criminals and his Earth-function, when he supports all his subjects. The

91 1A. : 18.15; EI. : 9.319.

92 Mabbett. I.W. : Truth, Myth and Politics in Ancient India, p. 70.

93 Śukra : 4.6.115.

94 Drekmier. C.: Kingship and community in Early India, p. 224.

95 Śukra : 1.188.

96 Ghoshal. U.N. : A History of Indian Political Ideas, p. 14.

performance of sacrifices like the *Aśvamedha* and *Vājapeya* enabled him to secure a status equal to that of the gods

The *Mahābhārata*⁹⁷ and the *Nārada-smṛiti*⁹⁸ point out how the king resembles the gods. The king resembles the god Agni or fire, because he burns the wicked by his power, the god Sun, because he sees everything through his spies, the god Yama, because he meets out just punishment, the god Kubera, because he showers wealth on the deserving, and so on. The *Smṛiti* does not say that the king himself is god, but observe that all the functions are similar to those of the gods.

But when the question of the duties and responsibilities of the king was at issue, his divinity did not afford him any immunity or privilege. "The record of so many kings", observes Renou, 'dethroned, banished and assassinated, of so many royal orders disobeyed, of so many strangers easily acceding to power, would have been impossible if "the divine claim" had not always been ready to give way before the pressure of the facts' ⁹⁹ If the king was bad in character and lazy in performing his duties, he became demoniac and not divine. It was only a righteous monarch who was regarded as divine. In ancient India, *Nārada* is the solitary writer, who at one place goes to the extent of maintaining that the person of even a wicked king was inviolable because of his divinity ¹⁰⁰ His view, however, was not generally accepted. The wicked king *Veṇa* though claimed exemption from punishment on the ground of his divinity, was killed by the angry sages. *Prthu*, though was regarded of divine descent had to take the oath to uphold the customs and institutions of the people. "Rather than divine right", says Drekmier, "we must speak of divine obligation, the duty of the king to preserve the social order" ¹⁰¹

97 Mbh. Sānti 67.40

98 *Nārada* 17.26

99 Renou Louis. *The Civilization of Ancient India*, p. 92

100 *Nārada* 18.31

101 Drekmier C. *Kingship and community in Early India*, P. 250

Kingship in ancient India was a political office, and not the sphere of power of a fortunate individual. Never was a Hindu king vested with divine rights. Only when he was virtuous and self-restraint, only when he carried out his duties of providing protection to his people and attending to their welfare, was a king entitled to be compared with gods.

According to the Śāntiparvan, if the ruler is incapable of governing, he should be abandoned as one would desert a leaky boat.¹⁰² Even Manu, who advocates the divinity of the king in the extreme form, warns him that he will suffer and meet punishment in his very life if he misbehaves and misgoverns. The Mahābhārata observes¹⁰³ that the king who fails to perform his duty to protect his subjects, must be slain "like a mad dog". This is certainly more a warning to the king than it is a doctrine of tyrannicide. It is thus clear that the king, though possessing divinity was not above the law and rules. The king was punished if he acted arbitrarily.

BRAHMANICAL IMMUNITIES AND PRIVILEGES

The Brahmanical class in ancient India, enjoyed some immunities and privileges. The Śatapatha Brāhmaṇa¹⁰⁴ identifies them with god Agni. The Brāhmaṇas were entitled to take gifts, Dāna (Charity), and Agrahāra (land granted to learned Brāhmaṇas) for their maintenance. The claims of this class were higher than any other. Vasiṣṭha says,¹⁰⁵ "poison destroys one person, but the Brāhmaṇa's property destroys him who takes it, together with his sons and grandsons." The Brāhmaṇas claim exemption from taxes, for the king obtains one-sixth of the merit which the Brāhmaṇas acquire by pious and charitable works.¹⁰⁶ "The Brāhmaṇas" says Viṣṇu.¹⁰⁷ "are immune

102 Mbh. : Śānti. 78.58.

103 Ibid. : Anuśāsana. 61.32-53.

104 Śat. Br. : 5.5.5. 5-9

105 Vasiṣṭha. Dh. Smṛti : 17.86.

106 Ibid. : 1.43-94.

107 Viṣṇu : 5.25.7.

from taxation since they pay taxes in form of pious acts. The Dharmasūtras also support the theory of the Brahmanical exemption from taxes.¹⁰⁸ Manu¹⁰⁹ says that a king should not take taxes from the Śātriya even in times of grave financial emergency. The king was not entitled to a portion in the treasure trove found by a Brāhmaṇa¹¹⁰ instead if the king found a treasure trove, he had to give away half a portion to the Brāhmaṇas.¹¹¹

Normally the Brāhmaṇas were also immune from capital as well as physical punishment. The Mahābhārata declares a Brāhmaṇa to be immune from any sort of punishment.¹¹² However, only those Brāhmaṇas were immune from punishment who followed their duties faithfully. But if punished a Brāhmaṇa was given very light punishment in comparison to the other three Varnas, in the light of the crime committed by him i.e. where there was provision of capital and physical punishment for the other three Varnas the Brāhmaṇas could only be branded¹¹³ and driven out or exiled from the country.¹¹⁴

WAS HINDU MONARCHY A THEOCRACY?

The theory of the divinity of the institution of kingship gave rise to the question — was the Hindu monarchy a theocracy? 'A theocracy, in the words of Altekar 'may arise when a king usurps the functions of the Church or when the head of the Church becomes the king or the king may be a mere agent or instrument of the Church'.¹¹⁵ In this context we would like to discuss the issues such as — whether the king had sacerdotal functions? Or whether the Brahmanical supremacy had prevalence over the king? Or was there any declared state religion?

108 Ap.amba, Dh. Sūtr. 2.10.10

109 Dh. Sūtr. 394

110 Dh. Sūtr. 37

111 Dh. Sūtr. 58

112 Mbh. Śānti. 56.22

113 Mbh. Śānti. 79

114 Dh. Sūtr. 380

115 Altekar, A.S. State and Government in Ancient India, P. 51

The scholars who talk about the sacerdotal functions of the king have put forward some points in favour of their opinion. They quote the general trend of the evidence of the Brahmanical literature. They say that the performance of the sacrifices by the king, such as the Rājasūya, Vājapeya and Aśvamedha is one of the religious function of the king. Other functions were - he was to promote Dharma and execute laws which were regarded as divine in origin and inspiration. Further, the Varṇāśramadharma, regulated by the king is said to have been divine in nature and was largely moulded by the priests. The appointment of the Dharmahāmātrās by the Mauryas and Vinayasthitisthāpakas by the Guptas to regulate the religious practices and moral conduct of the people would be a natural corollary of the swing towards theocracy. The divine origin of the king also points towards the fact that the ancient Indian monarchy was theocratic in form.

The Gautama Dharmasūtra¹¹⁶ claims the supremacy of the Brāhmaṇas and declares that the royal authority cannot touch the priest, and reminds the king that he can prosper only when he is supported by the latter. "If he does not employ a qualified Brāhmaṇa priest," says the Aitareya Brāhmaṇa".¹¹⁷ "gods will not at all accept his oblations". It is argued that a king prospers who honours his chaplain properly. The priests claimed several privileges and were exempted from taxation and capital punishment.

The word Rājadharmā used in the Mahābhārata to denote political duties of the king has been taken by some scholars to mean that the state had its own particular religion.

It can be accepted that the Brāhmaṇas and the Purohitas had certain influence over the king for some periods, but this does not mean that the state was a theocratic state.

116 Gautama. Dh. Sūtra : 2.2.1.

117 Ait Br. : 7.5, 24.

There were secular elements in the structure and functioning of the state. The king in ancient India had no sacerdotal functions. Religion was the concern of the Purohita. The king, though performed some sacrifices on behalf of himself, his court and subjects, Yet he was never a priest.¹¹⁸ In later social theory it is invariably assumed that the kingship and governmental tasks were the responsibility of the Kṣatriyas and, though the Indian history knows of Brāhmaṇa rulers such instances are always regarded as exceptions to rule. It is thus clear that neither the ruler had religious works to perform, nor the priestly power ruled the state.

As regards the promotion of Dharma by the king the statement of the Mahābhārata can be taken into consideration that the welfare of the people was the Dharma to which the state was related.¹¹⁹ 'Lokarājanamevātra rājñaṁ dharmah sanātanaḥ'. The object of the state was to protect its people, remove their difficulties and give them full opportunity for prosperity, and this was considered as the Dharma of the state. Laws, though regarded as divine, were really based upon social customs and traditions. By sanctioning their operation, the state did not become an instrument in the hands of the priests, it rather became the mouthpiece of the social will. The Varnāśramadharmā was also a social norm. It did not have a divine origin but was an outcome of the division of the society on the basis of division of labour. The Dharmamahāmātrās were merely officers appointed to look after the moral as well as overall welfare of the people. They were not attached to any particular religion.

The officials were asked to be free of any religious bias, Kaṭilya lays emphasis on the unquestionable loyalty of the officials to the head of the state. He does not like the high officials to be divided in their allegiance, their loyalty should be to the king and not to the religious practices. This can be inferred from the nature of the test laid down

118 Gokhale B G Indian Thought Through the Ages, P 149

119 Mbh Śānti 57.11

for the examination of the character of those Amātyas who were appointed in governmental departments. Only those Amātyas who proved themselves above religious allurements deserved to be appointed to the post of judges.¹²⁰ It implies that the king may appoint as judges only such persons who could override religious considerations and faithfully examine royal orders in the administration of justice.

The passages from the Brahmanical literature themselves betray the concept of the supremacy of the priestly class over the ruler. A passage in the Taittirīya Brāhmaṇa¹²¹ confesses that a king, at his sweet will can override the Brāhmaṇas. The Aitareya Brāhmaṇa¹²² admits that a king can expel the Brāhmaṇas at his will. The Brhadāranyaka Upaniṣad¹²³ states that it is the Kṣatriya or the king who enjoys the highest status in society; the Brāhmaṇa sits lower than, and next to him. When princess Sarmisthā suspected that Devayanī, the daughter of the royal chaplain, was assuming the air of superiority, she sharply reprimanded her, — "Enough of presumptuousness, sitting in a humbler position your father goes on flattering my father day and night. You are the daughter of him who begs and flatters, I am the daughter of him who donates and is praised,"¹²⁴ Kautilya¹²⁵ also remarks that the Purohita was appointed by the king and the king could also dismiss him.

The Brāhmaṇas at no time formed any sort of a religious organization (Church) and in the absence of such organization, the relationship between the priest and the king was, more or less, based on individual personalities rather than institutions. The Brāhmaṇas had no organizations, no independent financial resources and no effective

120 AS. : 1.10.13.

121 Taitt. Br. : 3.9.14.

122 Ait. Br. : 7.29.

123 Br. Up. : 1.4.10.

124 Mbh. : Ādi. 72.9-10.

125 AS. : 1.10.2.

means of resisting a king ¹²⁶ 'Religion', states Majumdar, "did not engross the whole or even an undue proportion of the public opinion" ¹²⁷

As far as the privileges and immunities of the Brāhmaṇas are concerned, it is to be noted that those could not be enjoyed by the whole class. Only those Brāhmaṇas who performed their duties honestly were able to enjoy the privileges.

Immunity from punishment was not applied to all the Brāhmaṇas. The Mahābhārata ¹²⁸ says that if a Brāhmaṇa does not follow the path of Dharma he should be punished. Even Manu ¹²⁹ the strong supporter of Brahmanism, prescribes punishment for the Brāhmaṇas. Yājñavalkya ¹³⁰ says that the Brāhmaṇas were liable to punishment on repetition of the crime like a common subject. Generally the Brāhmaṇas were regarded as immune from capital punishment. However, those arrested for treason against the state were not exempted from capital punishment ¹³¹. Provision was there to kill even a Brāhmaṇa desperado (Atatayi). Manu ¹³² says that no second thought should be made about punishing a felonious person. However, normally a Brāhmaṇa responsible for serious crimes was branded and banished ¹³³. He was not exempted from paying fines in any case ¹³⁴. The Brāhmaṇas were required to pay more fine in some cases than the other three Varnas because of their superior position ¹³⁵.

As far as exemption from taxes is concerned, it should be borne in mind that not the whole Brāhmaṇa community was exempted from

126 Prasad Bani, *State in Ancient India*, P. 11

127 Majumdar R.C. *Corporate Life in Ancient India*, P. 122

128 Mbh. Śānti 76.11.77.3

129 Manu 8.335

130 Yājñavalkya 2.81

131 AS. 4.11.11-12 Yājñavalkya 2.281 Mbh. Śānti 57.5

132 Manu 8.350

133 Yājñavalkya 2.276 Manu 8.379-380 Mbh. Śānti 14.116 Gautama Dh. Sūtra 2.3.45

134 Manu 8.412, 8.268

135 Manu 8.123, 378 Yājñavalkya 2.206-207 Gautama Dh. Sūtra 2.3.8.10

paying taxes. Smṛtis recommend that the learned Brāhmaṇas (Śrotriyaś) should be exempted from taxation.¹³⁶ An ideal Śrotriya was avowed to poverty and was required to impart higher Vedic and Sanskrit education, free to all students. The Brāhmaṇas who belonged to the Śilonehha class, i.e., those who spend their lives by collecting grains from the fields, had to pay taxes. The Brāhmaṇas, who performed the duties of the other three Varnas were not exempted from taxes. The Mahābhārata¹³⁷ directs the king to take taxes from those Brāhmaṇas who followed the money-making professions like trade, agriculture and cattle-rearing, and were to be charged usual taxes and cesses at their full rates. Not only this, the king was entitled to take forced labour from those Brāhmaṇas who followed the profession of a Śudra for their livelihood.¹³⁸

In many cases the Agrahāra villages with their revenues were assigned to the learned Brāhmaṇas for their maintenance; when such was the case, they were usually required to pay a quit rent.¹³⁹ The Mahābhārata¹⁴⁰ emphatically declares that those among the Brāhmaṇas, who were holding lucrative appointments in the government service were to be taxed like a common man.

In South India, we find the lands of the Brāhmaṇas being sold away for the non-payment of the government dues.¹⁴¹ Thus, it can be seen that only those Brāhmaṇas who performed faithfully their prescribed duties could enjoy privileges.

Lastly, the state in ancient India had no declared religion of its own. Although Asoka himself followed Buddhism and did much for its expansion, he had never declared it as a state religion. The Rajadharma described in the Sāntiparvan of the Mahābhārata, or in

136 Manu : 7.133

137 Mbh. : Sānti. 76.4.9.

138 Ibid. : 76.5.

139 Altekar, A.S. : State and Government in Ancient India, P. 268.

140 Mbh. : Sānti. 76. 6-7.

141 Altekar, A.S. : State and Government in Ancient India, P. 269.

the Smṛtis and other literary works was not a particular opinion propounded by the state or the king, but it meant a particular set of duties prescribed for the king. The king no doubt was regarded as the protector and promulgator of Dharma, but his duty was to promote piety and righteousness by extending equal patronage to all sects and religions. He was not to be an agent of any particular religion or sect, working to promote its interests or seeking to carry out its commands. Normally, the policy of religious tolerance was followed by the rulers in ancient India.

Thus, it can be seen that though the state was to some extent influenced by religion (at some times only), it cannot be called a theocratic state in the real sense of the term.

□□□

DAṆḌAŚAKTI AND ROYAL AUTHORITY

In ancient India the state was considered to be an instrument of the progress and prosperity of the people. In the *Mahābhārata*, *Manusmṛti*, *Rāmāyaṇa* and the *Arthaśāstra*, it is stated that in the absence of the state there prevailed *Matsyanyāya*- the law of fishes - the strong fish devouring the weak.¹ This sort of situation was thought to be baneful for the progress of the society and the remedy to check this tendency was sought through the state. To protect the weak against the strong the state needed some sort of authority. This authority which the state required to curb the lawlessness had its roots in *Daṇḍaśakti*- the power of the rod of chastisement.

The word *Daṇḍa* is very comprehensive in connotations. Primarily it means a staff or rod. The *Daṇḍa* sustained by the king symbolized kingly power and the authority of the king to punish offenders. In the *Arthaśāstra* we find '*Daṇḍa*' used in the sense of a staff.² Śukra uses it in the sense of Decorum.³ It also means punishment. In the *Gṛhyasūtra* of Pāraskara we find *Daṇḍa* referred to as the emblem of kingly power implying punishment. This notion of *Daṇḍa* is found in the *Arthaśāstra* when Kauṭilya speaks of physical punishment. In a general sense, we can say that *Daṇḍa* as punishment means coercion. The concept of *Daṇḍa* is elaborately discussed in the *Mahābhārata* as

1 Mbh. : Śānti. 67.16-17; Manu : 7.3; As : 1.13.6; Rāmāyaṇa: Ayodhyā. 67.37.
 2 Konow. Sten : Kauṭilyan Studies. P. 45
 3 Śukra : 1.152-154.

well as in the Arthasāstra "Daṇḍa", states Kauṭilya "is punishment or science of government. It is a means to make acquisitions, to keep them secure, to improve them, and to distribute among the deserving the profits of the improvement"⁴

We find Daṇḍa also as one of the means of conducting political affairs, the other three being, conciliation bribery and dissension. The Bhagavadgītā also refers to Daṇḍa in this sense of coercion.⁵ Kauṭilya speaks of Daṇḍa in terms of army too.

PURPOSE OF DAṆḌAŚAKTI

Bhīṣma⁶ and Kauṭilya are among the thinkers who entertained the belief in the instinctive wickedness of the human impulses being corrected by Daṇḍa of the king, the essential functions of the ruler being protection and punishment. The Vāyu Purāṇa speaks of the age when the people did not observe their respective duties and came into conflict with one another. Henceforth, the king came to be vested with Daṇḍa, the rod of authority.⁷

Establishment of Dharma has been proclaimed to be an important function of the state in the Epic, which goes to the extent of saying that it is for the cause of Dharma that sovereignty exists. For the realization of this function a state is given the right of exercising Daṇḍa. Daṇḍa was regarded to be capable of restraining the natural turbulence, and depravity of men, which led them to violate different rules and regulations.⁸ It was Daṇḍa which made them follow Dharma.⁹ According to Manu in absence of the fear of Daṇḍa vices creep in society.¹⁰ Jaimini says "Codanā Lakṣaṇārtha Dharmah", and

4 Shamasastry, R. Kauṭilya's Arthasastra, P. 8

5 Bhagavadgītā 10.38. Kāmandaka 12.15

6 Krishnarao M.V. Studies in Kauṭilya, P. 125

7 Vāyu 1.57.55.56

8 Mbh. Śānti 122.56

9 Ibid. 121.36

10 Manu 7.22.24.18

accordingly that which is determined by command is Dharma, which thus becomes identical with Daṇḍa.

Both the Mahābhārata and the Manusmṛti declare that society is regulated by the ability of the king to punish. It is Daṇḍa that protects all, that keeps awake and guards the people when they are asleep. As reins check the steed, or as an iron hook controls the elephant, so Daṇḍa keeps the world under restrain. "It is the use of coercive power (Daṇḍa)", declares Kauṭilya,¹¹ "which makes the world happy and progressive." A state is what it is because it can coerce, restrain or compel; the state vanishes if control is removed from social life. On the whole the crucial importance of Daṇḍa in combating the evils of anarchy is stressed.

Kauṭilya repudiates the views of his previous writers that severe Daṇḍa is the most efficient technique of control. He says that whosoever imposes severe punishment becomes repulsive to the people; while who awards mild punishment becomes contemptible. Hence Daṇḍa should be dispensed after due consideration and in proportion to the gravity of offence.¹²

I.W. Mabbett expresses his view in this connection in these words, "the presumption is that the king's power of force (if that is how we translate Daṇḍa), was thought of as similar in kind to that of herdsman using a stick (herdman's goad) which does not compel the animal, but indicates the way it should go".¹³

Gokhale says that this force has been used in the sense of force of law, by the ancient thinkers, not the naked force.¹⁴ V.P. Verma observes that Kauṭilya thinks of Daṇḍa as concerned not only with penal sanctions, but with the totality of social and political

¹¹ As. : 1.3.16.

¹² Ibid. : 1.4.11.

¹³ Mabbett, I.W. : Truth, Myth and Politics in Ancient India, P. 77.

¹⁴ Gokhale. B. G. : Indian Thought Through the Ages, P. 160

interactions and relationships, involving among other things, the king his ministers and army¹⁵ 'Manu has a very anthropomorphic notion of Daṇḍa', says Bühler, "He ascribes anthropomorphic characteristics to Daṇḍa and takes its colour and asserts that it is the sure guarantee of the maintenance of peace and order"¹⁶

Thus, Daṇḍa which simultaneously designates a staff, physical punishment and legal sanction, an army, and which is such a vital element for the preservation of peace and order shows that force (Daṇḍaśakti) was an important element in politics

CONCEPT OF LAW

Certain rules of conduct essential for securing human progress are enforced by the state. These rules are called laws, the observance of which is necessary for fruitful human associations and orderly relations among men

The term Dharma has been used as synonymous to law in ancient India. Dharma, a word with very comprehensive import can be traced back to the Vedic literature, wherein it denotes law and custom. It includes religious and ritualistic laws as well as rules of morality and prudence. The Bṛhadāraṇyaka Upaniṣad says- 'Dharma is the force of force or power of power'. Kautilya uses the word Dharma in three different senses (1) in sense of social duty (2) as moral law (3) and as civil law

E W Hopkins opines that it means 'ethical good usage' and implies itself as a code of conduct to avoid all crimes¹⁷. P V Kane interprets it as the 'mode of life or a code of conduct'¹⁸. To quote H N Sinha, "Dharma may bear the interpretation of customs and usages, both

15 Verma, V P. *Hindu Political Thought and its Metaphysical Foundations*, P 89

16 Bühler. *Manusmṛiti SBE*, Vol 25, Quoted by Verma, V P. *Hindu Political Thought and its Metaphysical Foundations*, P 87

17 Hopkins E W. *On the Meaning of Mahabharata*, p 80, Quoted by Jauhari, M. *Politics and Ethics in Ancient India*, P 72

18 Kane P V. *History of Dharmasāstras*, Vol 2 P 2

sacred and secular in society.¹⁹ Manorama Jauhari accepts the explanation of the *Mahābhārata*, which explains Dharma as that which bears (maintains) society.²⁰

"The exact meaning of the term Dharma", in words of S.D. Sharma, "always depended upon the context it was used in. When it is used in connection with the administration of justice, it means the laws of *Varṇa* and *Āśrama*. They covered the complete area of human activity which implied that all the activities of an individual were subjected to control and adjudication by the king according to the established law. It was the violation of this Dharma which required the intervention by the king in order to do justice and provide a remedy to the injured party. That body of rules which was thus enforced by the king was termed Dharma or Law".²¹

Law was not a code of prohibitions, nor was it limited to the corrective justice of the law courts. Its range was wider than morality itself, and the institutions were the creations of law; traditions and customs rested on its sanction.

NECESSITY OF LAW

At the very commencement of his work *Nārada* states that ... at the time when Manu, the *Prajāpati* was ruling over the earth, the men (of the world) were extremely righteous and truthful. The practice of duty having died out among mankind, law suits had been introduced, and the king had been appointed to decide law suits because he had the authority to punish.²²

These verses conceive of an age when people were righteous and very much well-behaved, then no law was necessary. But a time came when society degenerated and then it was that the legal proceedings

19 Sinha, H.N. : *Sovereignty in Ancient Indian Polity*, P. 27.

20 Jauhari, M. : *Politics and Ethics in Ancient India*, P. 74.

21 Sharma, S. D.: *Administration of Justice in Ancient India*, P. 126.

22 *Nārada* : I.1..2

and theories of punishment became necessary. Thus law was necessary to curb the inherent tendency in man to err and commit blunders and this inherent tendency was to be curbed for the good of others in society so that they are not harmed. Law, thus arises as a need through inherent weaknesses of men who are likely to harm each other.

The necessity of law has been expressed by Sinha in these words - "One of the most basic factors necessitating the evolution of the state and organization of government was the need to enforce rules of conduct and behaviour between men, and to punish those who by sheer brute force deny the weak the opportunity to live and prosper".²³ Law forms the backbone of society. It is necessary for the progress and welfare of the people. It has an ultimate aim to remove miseries of the people and to create conditions so that people may pursue the aims of life.

NATURE OF LAW

Law was related to the environment, the social and legal institutions of the times, the social ends and ideas and the entire culture of the age. Several opinions have been expressed with regard to the question whether the law changed in accordance with the changing social environment or not. Kālidāsa observes that the king administered no law other than the law of Manu.²⁴ Supporting this view Mahalingam says, "Hindu political conception was that laws are coeval with the social organization and they cannot be changed or altered by any secular power".²⁵ R. K. Mookerjee takes the law not as an arte-fact but as a natural growth of consensus and communal life.²⁶

23 Sinha, B. P. : Readings in Kautilya's Arthasastra, P. 116.

24 Raghuvamśa : 1.7, 14.47.

25 Mahalingam, T.V. : South Indian Polity, p. 18.

26 Mookerji, R.K. : Nationalism in Hindu Culture, pp. 99-100.

Mahalingam has contradicted his own views when he writes that with diversity becoming its principal feature, the commentators of Hindu law had to take into consideration the customs prevalent among the people and the manners of particular groups.²⁷

The nature of law changed according to the changing social and economic conditions. Principles of one period are not followed in the other. Hindu law also reveals occasional readiness to make law respond to the changing needs of the community. For, social life was ever changing, and law would neglect one of its most important functions if it refused to meet the demands of this ceaseless evolution. Provision, therefore, had to be made for the alteration of existing law to suit the new needs. This awareness of the need to relate law and tradition to the evolving social conditions is most apparent in the *Yājñavalkyasmṛti*. The codes sometimes advise that a body of learned *Brāhmaṇas* be commissioned to determine the need of the people and assist the king in the administration of justice.

SOURCES OF LAW

Various views have been expressed by different thinkers regarding the sources of law. The most important sources referred to in ancient Indian works are, *Śruti* (Vedas), *Smṛti* (Dharmaśāstras), *Sadācāra* (Conduct of the noble people) and *Ātmatuṣṭi* (self-satisfaction).²⁸ Gautama mentions the Vedas and the understanding and behaviour of those who know it, as the sources of law.²⁹ According to *Vasiṣṭha* the Vedas and *Smṛtis* are more important than the conduct of noble men, which should be relied upon only in their absence.³⁰ The first three have been mentioned by *Yājñavalkya* who refers to the desire born of proper intentions as the fourth source.³¹ The sources of law listed in

27 Mahalingam. T.V. : South Indian Polity, p. 203

28 Manu : 2.6. 2.

29 Gautama. Dh. Sūtra : 1.1.1-2; Āpastamba. Dh. Sūtra : 1.1.1-3

30 Vasiṣṭha. Dh. Sūtra : 1.4-6.

31 Yājñavalkya : 1.7.

the Baudhāyana Dharmasūtra are the Vedas, and their commentaries, customs and the opinion of the sages

Another source of Dharma (law) is tradition. Gautama says, 'The laws of country, castes and families which are not opposed to the sacred records also have authority. Cultivators, traders, herdsmen, money-lenders and artisans may lay down rules for their respective classes'.³² Manu maintains the moral aspect of Dharma and asks the king to consider carefully the Dharma of castes, countries, guilds and families, and if they are not opposed to the Vedas and other sacred laws, they should be upheld by the king as binding.³³

To what extent the king should uphold customs and traditions? The majority of the texts answer that righteous usages should be continued. Brhaspati states that a number of customs might be against king's own orders, but in spite of this, he points out, that the time honoured institutions of each region, caste and family should be preserved intact, otherwise the people would rise in rebellion.³⁴ Though Kautilya agrees with the above view, he does say that the king should nullify those transactions or customs which he might consider either as injurious to the growth of his revenue and army or as unrighteous.³⁵

KING A SOURCE OF LAW? RĀJASĀSANA (ROYAL EDICT)

The reference to the king as a source of law in the Arthasāstra and the Nāradaśmṛti³⁶ is quite contrary to the basic belief of Hindu political and legal theory that the king should regard himself not the creator of law, but only as its guardian. The Dharmasāstras deny the law-making powers to the king. The king, it is declared, was not the source of law, but was bound by it as much as his subjects.

32 Gautama, Dh. Sūtra 2.2.19-22

33 Manu 8.41

34 Brhaspati 2.28

35 Shamastry, R. Kautilya's Arthasāstra, P. 439

36 Nārada 1.10

It is emphatically asserted by Mookerjee that the king in India "was not the source of law, but rather its supporter". By way of an argument in support of his theory, he adds, "sacred law, according to Manu and other authorities, is derived from four sources viz., (1) the Vedas, (2) the Smṛtis, (3) the practices of the pious, and (4) the opinion of the pious on doubtful points, while the sources of secular laws were manifold groups and communities which legislated for themselves, so that whatever may have been practised by the virtuous that only shall be established as law."³⁷

"Mookerjee's opinion," says Barua, "which is based admittedly upon Manu and other Smṛti writers cannot decide the point at issue".³⁸ The evidences of the Arthaśāstra and the Nārada-smṛti cannot, however, be overlooked. In all probability, the concept of Vijigīṣu and establishment of vast empires, with the king as centralized authority, must have given impetus to the powers of the king, and his orders also must have come to be regarded as a source of law.

Kauṭilya gives the final word in determining what shall have the sanction of law in governing the social relations. Even customs are subject to the king's interpretation. Dharma in this radical conception of law, is brought more directly within the province of the monarch.³⁹ Manu⁴⁰ says that the king had authority to give general commands apart from the administrative rules. He has specifically referred to the kingly law and has also suggested its importance and superiority over the other rules of Jati, Kula etc. Betai opines that states in the days of Manu started feeling the dire need of written kingly laws, and some were actually in writing.⁴¹ Yājñavalkya, however, gives to kingly law

37 Mookerji, R.K. : Nationalism in Hindu Culture, P. 99.

38 Barua, B.M. : Asoka and His Inscriptions, P. 134.

39 Drekmier, C. : Kingship and Community in Early India, P. 194.

40 Manu : 7.13.

41 Betai, R.S. : Criminal Law from Maṇu to Yājñavalkya to Nārada- a positive transaction, JORI, March 1913, P. 276.

an authority secondary to the laws of Śāstras. On the other hand Kautilya makes an innovation in legal theory when he speaks of law or royal commands as enforced by sanction and regards the state as the final authority to pronounce what is and what not is law. The Mahāvamsa gives an instance of a king commanding all the inhabitants of Ceylon to abstain from killing,⁴² and the Edicts of Aśoka are also well known for the royal commands given by him. Śakra gives the king the power to declare laws in accordance with Dharma and usage. The sovereign could not only adjudicate in disputes, but also could modify and develop customary laws.⁴³

It can be calculated that the king was regarded as a source of law (from Kautilyan period onwards). This, however, should not be taken to mean that the laws formulated by the king depended upon his sweet will. The king's discretion was limited by Kautilya's warning of dangers involved in any radical departure from customs. The royal edict was to harmonize with the customary law and the sacred law. The king could not overlook caste duties which were eternal. He could make laws, but only regulatory and not substantial, which would make him arbitrary. The king could promulgate fresh laws, but only when the new laws had their basic principles rooted in Dharma. Manu states that the king shall proclaim his own rules after carefully examining the rules of regions, Jati and eternal rules of Kulas etc.⁴⁴

RULE OF LAW AND ITS IMPLICATIONS IN ANCIENT INDIA

The concept of the absolute necessity of the rule of law is clearly recognized in ancient Indian political thinking. The Buddhist texts insist that Dharma is the ruler of rulers.⁴⁵ A study of the ancient Indian law-codes reveal that the king was specifically ordained to

42 Mahāvamsa : 35 6

43 Krishnarao, M V · Studies in Kautilya, p 71

44 Manu : 8 4.

45 Anguttara Nikāya . 3 pp 149, 151

discharge his duties according to the established laws of the land. "The fulfilment of their duties and responsibilities", says Manu "by the rulers, was of paramount importance for the stability and orderly development of society and for the happiness of individuals in the state."⁴⁶ According to S.D. Sharma the concept, that law is the root of all Dharma, reveals that there was a doctrine of supremacy of law in the sense that even the king was not above the law.⁴⁷ Jayaswal opines that apart from the operation of the coronation oath, the checks and limitations imposed by the Paura-Jānapada, and the Council, there was all powerful law, which is declared to be above the king and as the king of kings.⁴⁸ "Notwithstanding his absolute power and authority", declares Motwani, "the king should consider himself subject to the rule of law, which no earthly monarch dare to ignore."⁴⁹ Though the king was the guardian of law, he had very little power to tamper with it or change it in a substantial way. The king could obtain favourable interpretations of law through the learned men at his court but such interpretations could not go counter to the spirit of other sources merely to please the royal vanity.

That the king was not above the law is made clear by the story about king Bimbisāra in the Buddhist records, recorded by Hiuen Tsang. The story runs thus – in order to prevent fires in the capital which had become rather frequent at the time, the king passed an ordinance to the effect that any person in whose house a fire should break out, would be banished to the 'cold forest'. One day a fire broke out in the royal palace. The king said to his ministers. "I myself must be banished", and he gave up the government to his eldest son and

46 Manu : 7.144.

47 Sharma. S.D. : Administration of Justice in Ancient India, p. 127.

48 Jayaswal. K.P. : Hindu Polity, Pt. 2. p. 323.

49 Motwani. K. : Manudharmaśāstra, p. 138.

retired to the forest saying, 'I wish to maintain the laws of the country, I therefore, myself am going into exile'⁵⁰

The provision of punishment was also made for a king violating the law. The example of Vena can be cited here, who was dethroned as he did not act according to the law. Both the Āpastamba and Gautama Dharmasūtras⁵¹ ascertain that a king who overlooks the crime of a thief and forgives him, thereby himself becomes a thief and is liable to punishment.

But it would be wrong to conclude from this that there actually prevailed the rule of law in the modern sense. The concept of rule of law in ancient India can be accepted so far as the supremacy of the law was concerned, but another aspect which contemplates the rule of law is that every one is to be regarded equal in the eyes of law. This is not found in ancient India. A prominent feature of the Brahmanical law-codes was its class legislation. It is to be found in the law of evidence and in the penalties prescribed for offences against a person, property, reputation etc. The out-caste or one fallen from his Varna could not act as witness.⁵² Members of one caste could not appear as witness for other castes. The witness of a Śūdra in any condition was not taken into consideration. Members of different castes were administered by different oaths and shown different kind of treatment.⁵³ The same discrimination was there in matter of ordeals. Yājñavalkya lays down the ordeal of weight, fire, water and poison, respectively for the four Varṇas. Punishment was also different. Moreover, the Brāhmaṇas enjoyed much greater privileges than others.

JUDICIAL ADMINISTRATION

50 Buddhist Records BK. 9, Quoted by Benarjea, P. N. Public Administration in Ancient India, P. 73.

51 Āpastamba, Dh. Sūtra 2.11.14, Gautama, Dh. Sūtra 2.3.42.

52 Viṣṇu 7.2.

53 Gautama Dh. Sūtra 2.3.13, Manu 8.83.89.

Impartial administration of justice was always regarded as one of the main duties of the king in ancient India. It was not a self – imposed duty, but it was in the nature of constitutional norm which the king was bound to obey, if he was to be called a king at all. "The court", writes Altekar, "is the most majestic symbol of the power of the state".⁵⁴

All the Hindu theorists lay the greatest stress on the administration of justice as an essential part of protection to which the people are entitled from the government. Ancient thinkers have made it quite clear that peace prevails in the country, so far as the king makes the proper use of his power of punishment or Daṇḍasakti. Manu observes, "where justice wounded by injustice, approaches (the court) and the judges do not extract the dart, they are wounded (by that dart of injustice). Justice being violated destroys; being preserved preserves; therefore justice must not be violated". Kautilya writes: "As the duty of a king consists in protecting his subjects with justice, its observance leads him to heaven. He who does not protect his people wields his sceptre in vain."⁵⁵

ROLE OF THE KING IN JUDICIAL ADMINISTRATION

The duty to enforce the law is cast upon the king by the Dharma itself, therefore, the administration of justice was an imperative duty of the king under Hindu law. It was the king's duty to see that all people in his kingdom acted according to the rules laid down in the Smṛtis (of Varnas and Āśramas) to administer justice.⁵⁶ The power of the king to administer justice was more in the nature of duty than right.

The responsibilities of the king were so heavy that he was termed to be the prompter of his age. It is the king who can usher in a golden

54 Altekar, A.S. : State and Government in Ancient India, p. 245.

55 AS. : 3.1.17.

56 Kane, P.V. : History of Dharmasāstras, Vol. 3. p3.

age by giving proper security to his people, or an age of discordance and sufferings for the country

KING, NOT THE FOUNTAIN OF LAW, BUT THAT OF JUSTICE

The king was the protector (Gopta) of his people and he applied law to the ends of justice. He was not the fountain of law but only its administrator. Kauṭilya gives us a definite concept of law-making bodies in which the laws passed by the king formed only one group of laws. Laws already existed before the king ascended the throne and in his coronation oath he promises to follow them. The coronation oath embodied in the Mahābhārata reads, "Whatever law is here and whatever is dictated by ethics and politics, I will unhesitatingly act accordingly. And I will never be arbitrary."⁵⁷ On the whole it can be said that the king was not the fountain of law.

However, in settling legal disputes, king's word was final. He was the supreme legal head. The Dharmaśāstra and the Nītiśāstra literature regard the king as the fountain of justice, and require him to set apart a definite time for hearing cases. According to Megasthenes a considerable part of the king's time would be spent in his judicial functions. In theory, however, any case could be brought before him, but in actual practice, he entertained only important cases from the capital (Aśoka's case is an exception, he listened to all the cases).

The king is asked to take the advice of the judges in arriving at a decision, but in all matters, whether heard by any judge or by the king, the ultimate responsibility in all matters of due and true, and exact justice rested on the shoulders of the king.⁵⁸

57 Mbh. Śānti 9.107

58 Nārada 1.28

KING, THE FINAL COURT OF APPEAL

The king was also the highest appellate court. The king listened to the cases sitting in his council, which included the chief justice. But there were cases which went for appeal to him as the highest court of appeal. Nārada points out how an appeal was possible to the city court, against the village court's decision, and how a litigant could appeal to the king against the decree of the city court. But whether a king decided a case properly or otherwise, there was no appeal against his decision.⁵⁹

JUSTICE ADMINISTERED IN THE KING'S NAME

In theory justice was administered in the name of the king, though his presence was not obligatory.⁶⁰ It was within the prerogative of the king to delegate his powers to others in matters of judicial transactions. The decrees given by any court of the realm were deemed to be a royal order in theory, though they were executed by the subordinate officers of the judiciary.

KING AS A JUDGE

When the king sat as a judge, he was expected to be *Vigatamatsara* i.e. devoid of caprice. A principle generally acknowledged was that the king was responsible for the crime which remained unpunished or for an unjust decision of which a fourth part falls on him.⁶¹ The king was asked to procure the truth from the fact which required very keen observation, deep thinking, and close understanding, and a most clear unbiased mind. Śukra observes that a king should look after the law-suits by freeing himself from anger and greed, according to the dictates of the *Dharmaśāstras*.⁶²

59 Ibid. : 1.307.

60 Manu : 8.9.

61 Nārada : 3.12.

62 Śukra : 4.11.

The king was expected to be strictly impartial in deciding the case or appeal that came before him. The king, whose justice in judgment is sought, must always 'let his rod fall alike on friend or foe'. If an unjust sentence be delivered in the court, the general rule was that a king shall assume one-sixth of the moral responsibility, when crime committed is commuted in favour of the people versus the king. The impartiality of the state in the matter of justice can be seen in the fines imposed on the ascetics and atheists. Whenever hermits etc. had to pay fines, they could, in the name of the king perform penance by offering oblations to gods, fire worship or the ritual called *Mahākachachavardhana* for as many nights as were the numbers of *panas* of their fines. This passage proves that under the garb of asceticism or atheism, the citizens could not commit offences of a civil or criminal nature, and escape punishment with impunity.⁶³ The discharge of justice as a matter of duty and in a most impartial manner is further proved by the following words in the *Arthasāstra*, 'It is power and power alone, which, only when exercised by the king with impartiality and in proportion to guilt, either over his son or his enemy, maintains this world and the next'.⁶⁴

It was the duty of the king to see that the justice given to the people was cheap and speedy.

The king was held responsible for the disorder in judicial administration. He was to punish those officers who did not perform their duties properly. *Yājñavalkya* says that such a king who is not vigilant in his work and punishes the innocent goes to hell. The *Rāmāyaṇa* and the *Mahābhārata* say that a king who fails to meet the litigant because of pre-occupation with self-indulgence, suffers the fate of king *Nrga*. *Kauṭilya* and *Śukra* authorize the people to revolt

63 Salefore, B A. *Ancient Indian Political Thought and Institutions*, p. 465

64 AS 3142

against such a king. Thus, holding the power of punishment in his hands, the king restrained those who followed the unlawful path.

In accordance with the order of the king, those accused of decoity, those who had made use of stolen articles, those caught in the very act of stealing etc. could be subjected once or many times to the various methods of torture. The king also held the authority to pardon a criminal.

CHECKS ON THE JUDICIAL POWERS OF THE KING

The king though had such extensive powers and was the highest authority in the judiciary, he could not run the administration following his own will. Śukra⁶⁵ and Yājñavalkya prescribe that the king was to decide the cases according to the Śāstras and in consultation with the Chief Justice, the Amātya, the Brāhmaṇas, and the Priest. The opening verse in the chapter on civil and criminal law in the Manusmṛti states, "A king desirous of investigating law cases, must enter his court of justice, preserving a dignified demeanour, together with Brāhmaṇas and experienced counselors".⁶⁶ That the exclusive monopoly of the king to centre himself in the appellate and criminal sides of law, was abandoned, is further proved by the following injunction: "When he (the king) is tired with the inspection of the business of men, let him place on the seat (of justice), his chief minister (who must be) acquainted with the law, wise, self-controlled and descended from a noble family."⁶⁷ The king was never allowed to administer justice individually. He was either to take help of the Purohita or consult the Sabhā specially kept for the purpose of justice. Prādvivāka or the chief justice, who represented the king during his absence, possessed vast powers.

65 Śukra : 5.9-11.

66 Manu : 7.141.

67 Saleore, B.A. : Ancient Indian political thought and Institutions, p. 461.

Another significant check was the association of jurors with the king and the chief justice. Neither of them could begin the trial of a case, if they were not assisted by a panel of three, five or seven jurors⁶⁸ the odd number was deliberately kept to avoid the contingency of equally divided opinion among them. The king was expected to accept the opinion of the jurors. It was only in difficult cases when they could not come to any definite decision that the king exercised his privilege of deciding an issue. The jurors were to be impartial and fearless exponents of what they believed to be the correct legal position. A juror keeping prudent silence has been condemned. If necessary, the jurors were to express their opinion even if it was in opposition to that of the king, it was their duty to restrain a wilful king going astray and giving wrong decisions⁶⁹.

B A Salefore maintains on the evidence of the *Arthaśāstra* that the judges were under the influence of the king. He says, 'The picture of the law courts and of the judges as given in the *Arthaśāstra* only proves that the ultimate power of controlling the judges lay entirely in the hands of the king'⁷⁰. He is supported by M V Krishnarao who observes, that the judges well-versed in the *Dharmaśāstras* could demand conformity to Dharma, but as the judges were at the mercy of the king, the interpretations of the law could be liberal and the king as in the case of Emperor Aśoka could turn out to be a legislator rigorously enforcing the protection of animal life and seriously circumscribing the liberty of the orthodox⁷¹.

Though the appointment of the judges was in the hands of the king, it is not true that the judges were under the influence or at the mercy of the king. They enjoyed considerable independence. The law was their only master and guide, and they had power to deal equally with the

68 Sukra 4.5.26

69 Ibid 4.5.275

70 Salefore B A. *Ancient Indian Political Thought and Institutions*, p. 311

71 Krishnarao M V. *Studies in Kautilya*, p. 177

high and the low. As far as the example of Asoka in liberalizing the laws is concerned, it can be accepted as an exception. But in general a king could not make the interpretations at his own. He had to take into consideration the Dharmasāstras and other sources of law.

The king, however, had the authority to punish the judges if they failed to perform their duties well. When a judge did not inquire into the necessary circumstances, made unnecessary delay in the discharge of his duty, caused parties to leave the court by tiring them with delay, helped witness, was to be severely punished by the king. He could be punished with the highest amercement (i.e. a fine ranging from 500 Paṇas to 1000 Paṇas) or could even be banished.

Regarding the breach of the caste rules, Ghoshal⁷² quoting Āpastamba says that he allows a king complete jurisdiction over breaches of caste rules. He further states that Viṣṇu⁷³ also sanctions the unlimited jurisdiction to the king over breaches of the sacred law.

It may be true to some extent, but the general trend was that the Brāhmaṇas or Purohitas were granted jurisdiction over the breaches of the caste rules. The king may have had his jurisdiction in theory, but practically it were the Brāhmaṇas who executed the case.

Other than this, besides the members of the assembly, other persons present in the court were permitted, on certain occasions, to offer their opinions. Nārada says, "Whether authorized or not, one acquainted with law shall give his opinion. He passes a divine sentence who acts as according to the dictates of law."⁷⁴

In spite of the highest authority of the king with regard to court proceedings, the king as a judge was placed under reasonable and proper legal restrictions and limitations, and fixed judicial procedure.

72 Ghoshal, U.N. : A History of Indian Public Life, p. 126.

73 Viṣṇu : 3.94.

74 Nārada : 3.2.

ROLE OF LOCAL OR POPULAR COURTS

Most of the law books give a similar account of local courts. The *Kulāṇi* or village councils were among the lowest of the judicial assemblies, which were probably composed of relatives of the litigants and some impartial members of the village and presided over by an official, who received as his salary one *kula* (a kind of measurement) of land. The *Śreni* was a guild or association of artisans or traders and these corporation acted as law courts, particularly, if the dispute involved their own workers or concerned products of the corporation.

The conventional rules of the *Kula*, *Śreni*, *Grāma* etc. had a legal standing in a court of law only if they were authorized by the king as such. Kautilya says that the partition of the inheritance shall be made in accordance with the customs prevalent in the region, caste, guild or village of the inheritors.⁷⁵ This shows that the king was bound by local laws. Respect for established customs is emphasized for the conqueror in dealing with his conquered subjects. The governing bodies of *Śrenis* were treated by the king as representatives of the people who were summoned through them on important occasions.

Normally the jurisdiction of these courts was limited to civil cases. They could also decide minor criminal cases as petty thefts etc. In civil cases the king could interfere only when his help was sought by the *Paṇṣad*. Decisions in these courts were given in accordance with the opinion of the majority of honest persons composing the court.⁷⁶

The village and *Śreni* courts saw to it that the welfare of the village was not neglected and that whoever violated the agreement or the social customs and regulations, was punished. The king respected the usages and conventions of village courts, occupational guilds etc. and

75 AS 3740

76 Ibid 3917

allowed them to pursue the course of action they had been pursuing from ancient times.

The king could not raise a case himself nor was he allowed to appear as witness in any case.

BASIS OF THE SETTLEMENT OF DISPUTES: VIVĀDĀRTHA CATUṢPĀDAḤ

The occasion for the administration of justice between two persons arises when,

- (1) There is a complaint against the conduct of some person, which is the violation of the rules of Dharmaśāstras or established usages or customs.
- (2) When the complainant has suffered injury or loss as a result of the conduct of the complained.
- (3) When there is transgression and loss or injury to the suffered. These are *prima facie* of such nature that the king's intervention in his judicial capacity is necessary.

While stating the general provisions for the settlement of disputes, Kauṭilya speaks of four means of obtaining justice which are - Dharma, Vyavahāra, Caritra and Rājāśāsana - of these four in order the latter is superior to the one previously named. Kauṭilya describes Dharma as eternal truth, holding its sway over the whole world; Vyavahāra (evidence) is based on witness; Caritra (usages) is to be found in the traditions of the people; and the command of the king is what is called Rājāśāsana.

Different interpretations of these four means have been given by different scholars. Some also regard them as sources of law. Aiyanger translates them as Smṛti law, secular law, customs and royal edicts respectively.⁷⁷ He owes his translation to Jayaswal. Barua⁷⁸ has based

77 Aiyanger, Rangaswami K. V. : *Rājadharmā*, p. 133.

78 Barua, B.M. : *Aśoka and his Inscriptions* pp. 134-135; AS. : 3.1.40.

his interpretation on the following verse of the Arthasāstra "Atra Satyasthito tu Śāsanam" He says, 'here Dharma (the fundamental of human action, the basic rules for the righteous and judicious discharge of man's duties in a socio moral, politico economic and religio cultural order) is established on truth, Vyavahāra is concerned with the reliable evidence from witnesses called Caritra (the tradition or approved usage) is to be gathered from the people concerned (and) Śāśana (the edict or law as proclaimed) is in its essence the king's command (mandate or decree)"

Derrett⁷⁹ expresses a different view. He writes, "These are the four means for obtaining justice in a disputable matter. Here the word disputable is purposely used for the word Vivādārtha because it does not mean law suit, it only means a legal relationship which requires actual administration of justice in a particular case. Justice must be done according to any one of the Catuspādas- Dharma, meaning the discharging of a legal relationship according to the relationship in question. Vyavahāra, meaning legal relationship enforced with the help of the state. Caritra means that when the plaintiff has filed the plaint claiming certain rights against the defendant and the latter admits the claims of the former, and the Rājasāśana means the decision given by the way of the order of the king, based on the principles of justice, equity and good conscience"

Some scholars have taken these four means as the sources of law. K. A. N. Shastri is a strong supporter of this view. Derrett has made the word Rājasāśana the nucleus of his theory. He says that according to the Smṛtis the king had the power to make law (legislative power). Ghoshal and P. V. Kane have strongly contested this view. Kane writes, "It is to be noted that the verse occurs towards the end of the chapter entitled, "Determination of legal disputes" and

79 Derrett, *Religion, Law and State in Ancient India*, pp. 167-168. Quoted by Sharma, S. D., *Administration of Justice in Ancient India*, pp. 135-136.

"Determination of forms of Agreement". And the verse does not refer to the sources of law, but to the four ways in which legal disputes may be settled."⁸⁰ Vivāda is often used as synonym for Vyavahāra. In this sense Vivādārthascatuspādaḥ of Kauṭilya means the four ways of arriving at a decision on legal disputes.

Regarding Derrett's opinion S.D. Sharma says that the text in which the word 'Rājasāsana' occurs deals with the administration of justice i.e., the judicial powers of the king, as distinguished from his administrative authority in general. That the word 'Rājasāsana' deals with the judicial authority of the king further becomes clear from the text of Brhaspati, who says, "In a matter of dispute, there are four methods... to reach a decision". King's edict or Nṛpājña meant a judicial decision which is given either as a highest tribunal with both original and appellate jurisdiction, or it may also mean, that it is one of the Catuspādas for deciding the dispute by the king as the fountain of justice.

On the whole it can be said that the Catuspādas mean the four ways of arriving at a decision (in the context of judicial procedure) not the sources of law. The decisions that have been taken through these four means may have become precedents for the future, and in this sense only these may be taken to be an indirect source of law in a derivative sense, not as a substantive source of law.

RELATIVE WEIGHTAGE OF RĀJASĀSANA

In the same verse Kauṭilya⁸¹ allows to each that follows, to have precedence over each that precedes. According to Aiyanger, Nārada reverses this order in maintaining that what precedes is to be given precedence over what follows (Uttaraḥ pūrvabādhakaḥ). In Aiyanger's

80 Kane, P. V. : History of Dharmasāstras, Vol. 3, pp. 259-260.

81 AS. : 3.1.39.

words, "with Kautilya each following overrides the preceding and with Nārada what precedes overrides what follows" ⁸²

Barua does not agree with the above view. He has rightly remarked that the word Uttaraḥ is just a synonym of Paścīmaḥ so, as a point of fact, Nārada has simply reiterated the opinion of Kautilya ⁸³

The conclusion often drawn from the above quoted line is that, according to Kautilya the laws made by the king are to be considered as the most important and that thereby he is authorized to make laws superseding even Dharma, Vyavahāra and Caritra

The question that arises from this conclusion is whether actually the Rājasāṣana could supersede the other three or not, and why was so much importance attached to the royal order above all?

The interpretation that can be drawn from the verse of the Arthaśāstra is that a legal dispute can be brought to an end by the parties speaking the truth, but when witnesses are available to depose for or against the matter in dispute, then in the opinion of Kautilya trial should be continued and decision should be taken on the depositions of witnesses. In some cases tradition of the people should be given much weightage and it could supersede Vyavahāra. In certain cases, in the interest of justice, the king may order a particular decision which is to be obeyed and to take precedence over the other ways ⁸⁴

Surendra Nath Mittal⁸⁵ takes into consideration the next Śloka, "Atra Śāsanam", of them Dharma is based on Satya, Vyavahāra on witness – and says that the rules of Dharma can be enforced only on the basis of the acceptance by the individuals as to whether they have truly behaved according to them or not, the enforcement of Vyavahāra is to be done mostly on the evidence of the witness and

82 Aiyanger, Rangaśwami K V. *Rājadharmā*, p. 138

83 Barua, B M. *Aśoka and his inscriptions*, p. 134

84 Sinha, B P. *Readings in Kautilya's Arthaśāstra*, p. 25

85 ABORI Vol. 56, 1974, p. 84

Caritra can be enforced on the basis of the collective idea and information that a particular group of people, who accept that custom, have about that particular matter, whereas Śāśana is the order of the king and it depends on him whether in the then prevailing circumstances, it is to be enforced or not. Dharma rules are considerably difficult to follow, as they demand greater discipline in the individual than the other types. There are lesser restraints in Vyavahāra rules, because they are mainly related to the disputes arising between individuals and groups. Some regions, castes, families etc. have their own customs which are different from Vyavahāra rules, the disputes among them are to be decided in accordance with the Customs, not according to Vyavahāra. The Śāśanas of the king may be of comparatively far less importance than the other three, still in application, because they are either of temporary nature or relating to certain peculiar circumstance, the Rājasaśana are to be applied first. In short the reason for this is that in particular situations it would not be proper to apply a higher type of rule which may be difficult for the people to follow or to be put in practice in those circumstances. That is what is meant by saying that each latter one supersedes the former (Paścimaḥ Pūrvabādhakaḥ).

However, even in the matters of application of these rules, there was ordinarily no contradiction between Dharma, Vyavahāra and Rājasaśana as they dealt with different matters. If, however, there were any contradictions between them at some places or in certain circumstances, the Arthaśāstra clearly indicates as to which type of rule is to be applied in those cases. It is only in the case of Caritra that they may be opposed to Vyavahāra and Dharma rules. Kautilya has also accepted the possibility of this contradiction in connection with the behaviour of the conqueror towards the conquered people.⁸⁶ He

86 AS. : 13.5.14.

expresses his opinion that the conqueror must abolish those customs which are harmful to the army and treasury or are unrighteous

Thus it can be inferred that the king's order was given relative weightage above all because the orders issued by the ruler were in co-ordination with that particular time, place, situation and circumstances in which he ruled. However, he could not surpass the rules of Dharma, Vyavahāra and Caritra. Kautilya says that the king's orders were rather to enforce the other three. The king could not overhaul or alter them. He further observes that the decision made by the order of the king is final, say in legal decision, but the judgment by the king's edict takes place only when the evidence is equally balanced and again, when the law-books and Sabhyās are not at variance.⁸⁷

THEORY OF PUNISHMENT : KING SUBJECT TO LAW AND PUNISHMENT

Manu and Yājñavalkya, speak of four modes of punishment (Daṇḍa) viz., gentle admonition (Vāg-daṇḍa), severe reproof (Dhigdaṇḍa), fine (Dhanadaṇḍa) and corporal punishment (Vadhadāṇḍa) and declare that these punishments may be inflicted separately or conjointly according to the nature of offence.⁸⁸ It is interesting to note that admonition and reproof were two modes of punishment. It shows that ancient Indian writers were very much alive to the notion that, among very sensitive persons or in a very sensitive society, verbal condemnation would be enough to achieve the purpose of punishment. Kautilya lays down that the award of punishment must be regulated by a consideration of the motive and nature of the offence, the time and place, the strength, age, conduct or duties,

87 Majumdar, R.C. & Pusalkar. *The age of Imperial Unity*, pp. 354-255

88 Manu 8.129, Yājñavalkya 1.367

learning and monetary position of the offender and by the fact whether the offence is repeated.⁸⁹

Punishment when awarded with due consideration makes the people devoted to righteousness; while punishment when ill-awarded under the influence of greed and anger owing to ignorance, excites fury even among hermits and ascetics dwelling in the forests, not to speak of the householders.⁹⁰ When not wielded at all, it leads to anarchy. Hence only that punishment which is dispensed after balanced reasoning leads to the growth of Artha, Dharma and Kāma. Kauṭilya favours neither rigorous punishment nor leniency or moderation.

The king though himself was the wielder of Daṇḍa, was liable to punishment. The Daṇḍa, is described as a mystic force which acts as a double-edged sword. While it enables a king to rule and punish the offenders, it is also capable of destroying the king if he uses it without the ends of reason, morality and justice. Kauṭilya prescribed that when the king inflicts unjustifiable punishment upon an innocent man, he shall dedicate to god Varuṇa a fine equal to 30 times the unjust imposition. That the king who misuses the revenue of his people is liable to be punished as a thief.

ARMY : IMPORTANCE AMONG THE ELEMENTS OF STATE

The defence of the state is based on army or Bala (Daṇḍa). It is important to note that the army was regarded by all political thinkers as an important constituent of the state organization. "The army", states Sukra, "is the chief means of overpowering the enemy; the king should, therefore, maintain a formidable force"⁹¹ He gives a beautiful simile, while emphasizing the importance of the army, "what mind is

89 AS. : 4.10.17-18; Gautama. Dh. Sūtra : 2.2.22; Manu : 8.285.

90 Shamasastri, R.: Kauṭilya's Arthaśāstra, p. 8.

91 Sukra: 4.1.

to the human body, the army is to the state"⁹² It is only by maintaining the army that the treasury and the kingdom prospers and the enemy is destroyed⁹³ Manu says that the world fears the king who keeps his army ready Kāmandaka, while recognizing the importance of the army, states that the king with a strong fighting force rules the earth unhampered⁹⁴ Kautilya includes the army among the seven constituents of the state⁹⁵ A strong and powerful army, thus is absolutely essential for the existence and security of a state, it is one of the pillars (the other being the treasury) on which the edifice of the state rests Army is necessary not only for defence against aggression by other states, it is equally essential for carrying the fight into enemy's camp, which was often unavoidable as a defence strategy in ancient times, when the country was divided into a large number of small and medium sized states

The fate of king in war, depended more or less on his army A powerful army could win a battle while an army of the cowards could bring defeat The destruction of a king was met with if the army abandoned its loyalty in the course of war So a strong and loyal army was required for the stability of a kingdom

COMPOSITION AND ORGANIZATION OF ARMY

From the Dharmasūtras, we learn that the profession of fighting was attributed to the Kṣatriyas only In times of emergency, Manu⁹⁶ allows the Brāhmaṇas and Vaiśyas to bear arms, but not to the Śūdras Other records, however, give us quite a different picture They point to the rise of professional fighters belonging to different castes, who sometimes joined together under their own commanders The army could be recruited from all the four Varnas The earlier teachers, in

92 Ibid 162.

93 Ibid 475-514

94 Kāmandaka 13.37

95 Shamastry, R. Kautilya's Arthasastra, p. 352

96 Manu 8.348

fact, had held the view that an army recruited from men of a higher Varna is better for the purpose of fighting than the one from those of a lower Varna. Kautilya, however, maintains that the army of the Kṣatriyas, trained in the art of wielding weapons was better; or the army of the Vaiśyas and Śūdras having great numerical strength was better.⁹⁷ Kautilya at one place discusses the relative importance of Brāhmaṇa, Rājanya, Vaiśya and Śūdra troops so as to indicate that they were well-known features of military organization of his time. Puśyamitra Śunga, who had usurped the throne after killing Brhadratha, the last Mauryan ruler, and who was also the commander-in-chief of the Mauryan army, was a Brāhmaṇa by caste. Forces of Brāhmaṇas were well-known. Dronācharya. Kṛpāchārya and many other Brāhmaṇa priests are seen to have taken up arms and also fought in the war. Kautilya's statement that the Brāhmaṇa troops might at the last moment be won over by the enemy, shows the existence of Brāhmaṇas in army, though they were not considered reliable. Kāśikā⁹⁸ on Pāṇinī⁹⁹ and Pāṇinī¹⁰⁰ himself mentions places of residence of professional Brāhmaṇa fighters.

ASTĀNGA BALA

The strength of a king is said to have been six-fold viz. bodily strength, heroic-spirit, army, weapons, intelligence and longevity. According to the Arthaśāstra an army is the most important requisite of a state. Keen attention was paid to the organization and maintenance of army in ancient India. The permanent needs of a state were met by the standing army, consisting of full-time soldiers. The Vedic army consisted of two varieties viz. foot-soldiers (Patti) and cart-warriors, (Rathin). With the passage of time the army grew into four-fold category i.e., elephants, chariots, horses and infantry and

97 AS. : 9.2.24.

98 Ibid. 9.2.24.

99 Pāṇinī : 5.2.21.

100 Ibid. : 1.4.25.

was thus called Caturāṅgabala. The Mahābhārata¹⁰¹ enumerates as many as eight limbs or Astāṅgabala of an army – chariots, elephants, cavalry, infantry, load carriers, ships, spies and local guides. Megasthenes describes¹⁰² the Indian army in the following words, "A third governing body directs military affairs, of which there are six divisions with five members to each. One co-operate with the admiral of the fleet, another with superintendent of bullocks, the third division has charge of foot soldiers, the fourth of horses, the fifth of war chariots and the sixth of elephants."

ELEPHANTS

The elephants occupied an honourable rank in the army. They were used in peace as a vehicle and in war as a combatant. They were an excellent means of transport over rugged tracks. War elephants were clad in armour and were mounted upon by armed warriors. The services of elephants in ancient wars were great. They marched in front of the army clearing the way of trees and shrubs. They protected the flanks of the army, helped the army to ford rivers, presented firm front in fight, broke down the enemy phalanx, routed the enemy's army, rallied the soldiers of their side and safeguarded the treasure.¹⁰³ Generally the elephants formed the best decoration of a royal camp and a monarch could achieve any amount of military success by means of elephants alone. The elephants on the other hand, when taken by terror could turn and trample their own men under their feet.

THE CHARIOTS

The chariot was held in high esteem as an apparatus of war. It was capable of resisting the attacks of the enemy, suddenly occupying advantageous position, rallying the soldiers fallen into disorder, breaking through the ranks of enemy and threatening the enemy's

101 Mbh. Śānti 59.41-42

102 Megasthenes Fragment 34 p. 881

103 Mbh. Śānti 41.59

rear.¹⁰⁴ The most important part of the chariot was the Dhvajā, which was often attempted to be thrown down by an arrow in order to humble the opponent.

CAVALRY

The cavalry formed an important division of the army. The war – horses were clad in iron-armour and mail and the cavalry men were armed with swords and bows. Owing to the swiftness and speed of the horses, the cavalry was used to pursue the retreating enemy, to cover the flanks of the army, to effect speedy communication with the various parts of the army, to pierce the enemy ranks and to obstruct the movement of supply and reinforcement to the enemy.¹⁰⁵

INFANTRY

The Arthasāstra speaks of the infantry as a separate army department under the charge of a special officer of the state. The infantry called "Padāti" formed the main bulk of the army. The foot soldiers were clad in mail coat and carried bows, swords, spears and a number of other weapons. The Kāmandakanīti and Agnipurāṇa mention six types of troops. (1) Maula or hereditary, (2) Bhṛta or mercenaries (3) Śreṇī or those supplied by corporations (4) Mitra or troops of an ally or friendly power or feudatories; (5) Amitra, troops that once belonged to the enemy and (6) Āṭavika or troops of the wild tribes.¹⁰⁶ In the Mahābhārata¹⁰⁷ we find that troops were of four kinds, omitting Śreṇī and Amitra out of the above stated.

The Maula branch, it appears, means the hard core of men bound to the ruling house by military honour and hereditary loyalty. The word Maula is derived from Mula, which often refers to the native land, the

104 AS. : 10.4.15.

105 Dikshitar, V.R.R. : War in Ancient India, p. 178; Kāmandaka : 20.5-6.

106 Kāmandaka : 18.4; Agni : 242.1-2.

107 Mbh. : Śānti. 5.63.

base from which the *Vijigīṣu* starts on expedition of conquest¹⁰⁸ Primarily, then the expression means a native force Kautilya records his preference of hereditary army over the five other types, on the ground that they depend on the king for maintenance, are being constantly drilled and receive constant favour from the king Kane¹⁰⁹ surmises that they most probably consisted of persons who and whose ancestors, got tax free lands in lieu of military service The relation between the king and the individual soldier appears to have been a direct one in the days of Kautilya But by the 12th century it tended to become an indirect one as is clear from the evidence of *Mānasollāsa*, which states that the king should make sumptuous provisions for the maintenance of the chiefs of hereditary army by bestowing upon them a village or two or more

The *Bhṛtabala* consisted of individual troopers serving on hire They did not form a standing army, but were recruited when their need was felt They are said to be a quickly raised and dependable force¹¹⁰ The hired soldiers were stationed near at hand always ready to march Such troops rallied round the banner of the *Vijigīṣu* or the conquering king, all with the hope of getting a large share of booty They had not, however, hereditary attachment to the king When they found the balance of war tipped against their employer, they sometimes did not hesitate to desert his cause This is why hereditary army was preferred to the hired army

The third type of army, which a king enlisted was called the *Śrenībala* It was organized in bands, each under its own *Śrenīmukhya*, "It is possible", says Kangle,¹¹¹ "to understand *Śrenībala* to be something like bands of professional soldiers, mercenary bands who lend their services to whosoever was willing to

108 Kangle, R P Kautilya's *Arthaśāstra*, p 245

109 Kane P V History of *Dharmasāstras*, Vol 3, p 200

110 AS 92 15

111 Kangle R P Kautilya's *Arthaśāstra*, p 246

pay them". This type of army was generally raised by the guilds for the protection of their life and property and were called upon by the king when required. Kautilya states that these are better than the allied troops, because they belong to the same country as of the king, and have the same expectations of loss and gain.

The troops of an ally which come to join the expedition or to help in defence were the Mitrabala. In the Maliya Copper Plate of Dhārusena II (571-72 A.D.) there is a reference to the establishment of the Vallabhī dynasty by Bhaṭṭāraka with the assistance of the Maula, Bhr̥ta, Mitra and Śreṇī bala.¹¹²

The fifth type was the Amitrabala or the soldiers captured in war or won over from enemy's side.¹¹³ These, however, were to be used with caution and under proper supervision.

The last type was the Āṭavika or those recruited from forest tribes,¹¹⁴ or troops or auxiliaries supplied by wild tribes¹¹⁵ as Śābaras, Pulindās and others. These fought under their own chiefs.

THE ADMIRALTY

References about the navy in the early literature and in the Gupta period point to the fact that navy was not absolutely unknown to the ancient Indian rulers. Scholars like Maxmullar,¹¹⁶ MacDonnell and Keith have stated that the ocean was known to the Vedic people. In the Mahābhārata, it is said that the navy was one of the Angas of the army.¹¹⁷ Manu refers to sea fights and attests to the use of boats for naval warfare.¹¹⁸ A board for the maintenance and control of navy is mentioned among the six boards of Chandragupta Maurya's military

112 Fleet. J.F.: Gupta Inscriptions, p. 165.

113 Agni : 241.43 : 242.1

114 Ibid.

115 AS. : 9.2.1.

116 Maxmuller : S.B.E., Vol. 32, p. 61.

117 Mbh.: Śānti. 59.41.

118 Manu : 5.192.

administration Kālidāsa, in his allegorical description of king Raghu's Digvijaya, refers that he routed the forces of Banga which were 'ready with navy' and implanted pillars of his fame in the waves of river Ganga¹⁹ Kautilya also speaks of Nāvādhyakṣa or the superintendent of ships

THE COMMISSARIAT : VIṢṬI

This was a purely civil department attached to the army. It consisted of all sorts of transportation helpful in the movement of army, and the physicians and surgeons, who treated the wounded soldiers. The chief function of this department was to supply clothes and arms to those who had lost them. Commissariat was among the six boards of army of Chandragupta Maurya. This was to co-operate with the superintendent of bullock-trains used for transporting war material, food supplies for soldiers, provender for cattle and other military requisites. Its services were especially valuable when fortresses were besieged and siege operations were protected. But the persistence of the camp – following was an element that contributed to the weakness of army in the long run.

THE SCOUTS: DEŚIKA

The Deśika's or scouts' work during the war was considered to provide guidelines for army through which the soldiers could attack the enemy. Besides this, they used to find out the place where the enemies preferred to stay. During the war time, they helped in removing the wounded soldiers from one place to another for proper treatment.

SPIES : CARA

To keep knowledge of both internal and external troubles the king appointed certain officials, directly connected with him, who reported secretly about the activities of different groups in his state. These

¹⁹ Raghuvaṃśa 4.35

officials were the spies or Cara.¹²⁰ These men were sent to reconnoitre the enemy country and report to the king about military strength of the enemy, furnish information as to the suitable sites for camps and battle-fields. It is said that having the spies as his eyes, the king could learn all the acts and intentions of his foes, friends and neutrals.¹²¹

SENĀPATI : COMMANDER-IN-CHIEF AND HIS POWERS

From the epoch of the *R̥gveda Samhitā* the Commander-in-chief occupied a place nearly equal to that of the king.¹²² In Vedic literature he is known as *Senāni*. He often assisted the king who led the host in person to the battle field. In the *Jātakas*, curiously enough, hardly any military functions of *Senāpati* are mentioned. On the other hand, he is often mentioned as carrying civil functions, apparently in addition to his military duties. When we pass on to the epoch of the Epics, we note a slight change in the title. The *Senāni* becomes the *Senāpati*.¹²³ The *Senāpati* was elected by the war-council presided over by the king.

The qualifications expected of a *Senāpati* were many sided. He was normally a *kṣatriya*. Sometimes members of the *Brahmaṇa* class were chosen to fill this responsible post. *Puśyamitra Śunga*, a *Brahmaṇa* by caste was the *Senāpati* of the last Mauryan king, *Bṛhadratha*. Generally persons who were versed in Vedas and equally proficient in the practice of arms were appointed. Though *Vaiśyas* and *Sūdras* were debarred in general, *Śukra* states that this officer could be selected from any caste if he happens to be a *Sūra* or a great hero.¹²⁴ Other qualifications were – a native of land, versed in theory and practice of counsel, in *Dandanīti*, possessing virtuous qualities of

120 AS : 1.12.9.

121 Mbh. : Udyoga. 33.34; Kāmandaka : 13.31; AS. : 1.12.6.

122 Dikshitar, V.R.R. : War in Ancient India, p. 220.

123 Mbh. : Śānti. 85.31.

124 Śukra : 2.434.

heroism, energetic and generous, self confident, one fully acquainted with the actions of the spies, skilled in all modes of warfare etc.¹²⁵

His primary duty lay in attending to the training and efficient organization of the army and in enforcing discipline

Though the Senāpati shouldered heavy responsibility and was answerable to the king and the council, he had vast powers too. He occupied a prominent position in the list of the Rājakṛtas, the king makers, known in later Vedic period as Ratnins, the recipients of Ratnahaviṁśi.¹²⁶ According to the Arthaśāstra, the Senāpati was the third of the '18 thirthas' of the state, coming after the minister and the Purohita.¹²⁷ We hear of a king who when about to enter upon an ascetic's life in his own palace, appointed his Senāpati as regent. We are likewise told of a Senāpati who was appointed to decide the cases of suitors.¹²⁸

The commander-in-chief carried great importance because a revolt in the army had potentiality of a change in government immediately, either peacefully or through bloodshed.

THE KING AND THE ARMY

The king's headship of the military as well as of the civil administration may be traced back to the Vedic age. The king's headship of the military organization is taken for granted in all our sources. Kautilya's special point consists¹²⁹ in asking the king to maintain direct control over the army as a measure of policy. This is justified by the serious danger of disaffection of the inner circle of the Amātyas and especially of their innermost ring. That this direction was not a mere phrase is shown by the fact that the king is required as a part of his daily routine to review the four wings of the army in the

125 Kāmandaka 18.26-42 19.31-40

126 Jayaswal K. P. Hindu Polity pt 2, p 201

127 AS 1.12.8

128 Ghoshal U. N. A History of Indian Public Life p 24

129 AS 8.2.4

seventh watch of the day,¹³⁰ and to consult the Senāpati on military affairs in its eighth watch. Kautilya advises the king to place the four wings (namely elephants, cavalry, chariots and infantry) under many officers (Mukhyas), so that they would not fall a prey to the enemy's intrigues through the fear of one another.¹³¹

In the course of his work, Kalhana has occasion to describe the terrible evils of the usurpation of power by the military forces of the crown. For nearly 30 years an organized body of foot soldiers called Tantrins was so powerful as to make and unmake kings at their will. The kings who took the services of Tantrins ousted one another like village officials, by offering greater and greater bribes.¹³²

The king was required to look after his army well. He was to look after each individual soldier as a father to his son. The army was to be provided with all sorts of facilities and paid regularly.

□□□

130 Ibid. : 1.19.15.

131 Ibid. : 2.31.1; 2.30.1; 2.33.1.

132 Ghoshal, U.N. : Studies in Indian History and Culture, p. 181.

ROYAL AUTHORITY AND THE FISCAL SYSTEM

"In Economics", insists Kauṭilya "lies Politics" Without Finances a state could not develop extensive bureaucratic and military apparatus it needs to consolidate its power¹ The thinkers of ancient India have laid down that the Koṣa or 'treasury' is the most precious possession of the king, that it is the 'king in person'² and the 'root of kings'³ "Public finance", writes Kauṭilya "is the main-stay of the Rāṣṭra, for, all undertakings depend upon finance,"⁴ and from the treasury comes the power of government, and the earth whose ornament is treasury, is acquired by means of army and treasury"⁵ A king with a depleted treasury eats into the very vitality of both the citizens and the country people⁶

The state is sustained by the revenue it collects from its subjects The state, without the funds (money) cannot attain its objects accomplishing the task of maintaining peace and order, and furthering the cause of public welfare, as the state is considered to be an instrument of the progress and prosperity of the people Artha (wealth) is regarded as one of the four ends of life The importance of wealth has very well been explained in the Rāmāyaṇa On the battle

1 Drekmier, C. Kingship and Community in Early India, p 263

2 Nīṭivakyāmr̥ṣa 21.7

3 Kāṇḍakā 13.33, Agnī 241.22, Mbh Sānti 119.16

4 AS 2.7.1, 8.1.47, 48

5 Ibid 2.12.37

6 Ibid 1.13.3

field in Lankā, Rāma tells Lakṣmaṇa that friends, relations, manliness, learning, desire, power, intelligence, greatness and goodness are all results of wealth. Every work of a person, who has an increasing source of wealth, goes ahead like a stream flowing from hills. Wealth is not only useful, but it is essential for the moral and material progress of the state.⁷

The Śāntiparvan calls upon the king to guard his finances and keep the treasury full.⁸ According to Kāmandaka⁹ the treasury (Koṣa) should be large enough to contain a lot of wealth, a wealth acquired through righteous means, full of desirable commodities and served by good people. The treasure should always be protected for purpose of Dharma and Artha, maintenance and support of state employees and for meeting exigencies. He further says¹⁰ that it is not possible to live in the world without wealth; the king who possesses treasure (as well as army) is adored by his subjects. Śukra says that the best king is he who, by following the practice of the gardener, who plucks fruits and flowers but does not harm the trees, protects his subjects, makes the enemies tributaries and increases the treasure by their wealth.¹¹

About the importance of treasury, it has been aptly remarked that an enemy without wealth and servants is like a snake without poisoned teeth or a bullock with broken horns. Somadeva Sūri has remarked that the life of kings lies in their treasure.¹² With the help of treasure a king can get army as well as attendants. That treasure is best which has a lot of gold and silver, ample amount of coins and which is capable of bearing the expenditure during an emergency. That is why it was ordained that the whole income should never be spent, a portion of it must be kept in the treasure because that alone is the

7. Sharan, P. : *Ancient Indian Political Thought*, p. 492.

8. Mbh. : Śānti. 119.16; Manu : 7.80; AS. : 2.8.1-2; Kāmandaka : 1.18.

9. Kāmandaka : 4.62,69.

10. Ibid. : 13.34.

11. Śukra : 4.2.18; Mbh. : Santi. 71.20.

12. Nīlīvakyaṃṛta : 21.5.

means of protection of the state in an emergency Kautilya¹³ states that without treasury it is not possible to maintain an army and keep it loyal. It is a clear recognition of the vital link between the two elements of the state, although broader assertion of all the activities dependent upon finance is also made by Kautilya.

Altekar has remarked, "Sound finances are absolutely necessary for a stable and prosperous state. The importance of this proposition was well realized by the ancient Indian political thinkers. They have included prosperous treasury and ample reserve funds among the essential constituents of the state and have declared that any deterioration in this connection would be one of the most serious national calamity."¹⁴

Factors tending to strengthen the exchequer must be carefully protected and factors tending to deplete it must be carefully controlled. Abundance of activity, bonuses for high performance, conquest of thieves, retrenchment of superfluous staff, harvest wealth, trade prosperity, elimination of obstacles, depletion of tax-remissions, inflow of gold, strengthen the exchequer funds.¹⁵ Factors which create attrition of the exchequer are-obstructive economy, investment, personal trading (with state funds), falsification of state accounts as revenue losses, extravagance, conversion of wealth and misappropriation.¹⁶ Kautilya goes on to mention forty methods of embezzlement of exchequer funds and prescribes graduated punishment for the crimes committed by officials entrusted with the work of administering the treasury.¹⁷

These measures described for the possession, protection and growth of wealth, leave no room for doubt that *Koşa* or treasury was regarded as one of the vital element in the state administration.

13 AS 8 1 47,48

14 Altekar, A S *State and Government in Ancient India*, p 262

15 AS 2 8 3

16 Ibid 2 8 4

17 Ibid 2 8 7-21 Ramasway, T N *Essentials of Indian Statecraft*, p 27

AIM OF TAXATION

The treasury depended upon revenue and taxes. About the origin of the system of taxation, U.N. Ghoshal says, "as the villages got organized into administrative units, it was natural to expect that the Aryan king would draw the first contribution from his subjects for his own support. They were possibly at first voluntary gifts, but there can be no doubt that afterwards they assumed the character of regular and compulsory payments".¹⁸

Public welfare was the guiding principle in raising taxes. Kālidāsa¹⁹ says: "Just as the Sun takes moisture from the earth to give it back a thousand-fold, so the king gathers taxes from the people only to provide them thousand-fold facilities and their welfare". Śukra clearly emphasized that the principal aim of raising the taxes was, maintenance of the army, protection of the people and performance of sacrifices.²⁰

FOUR-FOLD MAXIMS OF STATE ECONOMY

That the king was intimately connected with protection of the people and probably even the distribution of wealth was a popular notion. Yājñavalkya²¹ says that those who desire wealth should approach the king.

Kāmandaka²² mentions four-fold maxims of state economy acquisition of wealth, its protection, growth and distribution. He lays down that it is the duty of the king to provide ample opportunities and facilities to his subjects so that they can acquire more and more wealth, thereby filling the coffers of the state. The money gained was to be properly protected also. To satisfy the requirements of the state and for its progress, the king was held responsible for the growth of the wealth acquired and protected. He was also to look after its proper

18. Ghoshal, U.N. : *The Agrarian System in Ancient India*, p. 3.

19. *Raghuvamśa* : 1.18.

20. *Sukra* : 4.2.3.

21. *Yājñavalkya* : 1.101.

22. *Kāmandaka* : 1.18.

distribution and was required to prevent economic inequality and antipathy in the state

An important principle of the economic policy propounded by Kautilya was the prevention of exploitation of one person by another. He is a strong supporter of the state control over the production, distribution and consumption. It was the state which decided the actual rate and profit of the things, in order to protect the interests of its consumers.²³

Kāmandaka states that the king was not only responsible for the protection of the people but he was also to see that all his subjects get their livelihood. If a king fails to provide livelihood to his people, his subjects abandon him just as birds abandon a dead tree.²⁴

PRINCIPLES OF TAXATION

The principles on which the system of taxation was based were sound and reasonable. To use the language of modern economics, ability, and least sacrifice were the guiding principles of the framers of the financial regulations. In ancient India the determination of what taxes were to be levied and at what rates was not left to the whim or caprice of the king or his advisors, they were fixed by the sacred law and enunciated in the Dharmaśūtras and Smṛtis. The canons of taxation settled by those writers agree with the telos for which the Hindu state existed namely 'for prosperity, land-culture, wealth and well being'.²⁵

TAXATION PAID FOR PROTECTION

Baudhāyana writes, "Let the king protect his subjects receiving as his pay a sixth part".²⁶ This evidently involved the view that the king is an official paid by the subjects for the service of protection. This doctrine of the relation of taxation to protection is of great importance

23 AS 4 2 28

24 Kāmandaka 5 59

25 Jayaswal K. P. *Hindu Polity*, Pt 2 p 335, Sat.Br 5.2 1 25

26 Baudhāyana Dh Sūtra 1 10 18 f

in Hindu political theory. Kauṭilya²⁷ makes quite clear the principle that the king is an official receiving the revenue as his fee for the service of protection, and he carries the idea to the point that the king is spiritually responsible for the faithful discharge of his functions.

Aparārka inculcates the idea of the incidence of the Kṣatriya duties attached thereto and in particular that the collection of taxes involves the duty of protection. Therefore, it is proved that he who takes the taxes is bound to protect the people.²⁸ Commenting on Manu, Medhātithi writes, "Even in the matter of protecting those who do not pay taxes, the (duty) laid down by way of livelihood belongs to the king". The king, according to Śukra, was appointed by Brahma to the service (Dāsatva) of the people, and his own share of the produce is his fee (Svabhāgabhr̥tya) for the purpose of constantly protecting them.²⁹ The law-books emphasize that the king must protect his subjects if he is to be justly entitled to receive taxes. Gautama³⁰ notes that it is because he protects his people that the king may take his share of taxes. Repeatedly the point is made that the king imposes taxes as consequence of his protection of the people.³¹ This idea is subject to various interpretations, but the central theme is always protection. Hopkins³² suggests that taxation was based on a system of barter or exchange. The king was to give so much protection for so much goods. In time of distress, he would require more because the difficulty of protection was greater. To a certain extent this reasoning can be valid, but it lays far more emphasis on the barter idea. However, the view of Hopkins is not correct. Protection given by the king was not an object of buying or selling, but was a duty of the king. If the theory of Hopkins be accepted, then the state of the things

27. AS. : 1.13.6.

28. Sharan, P. : Ancient Indian Political Thought, p. 493.

29. Śukra : 1.188.

30. Gautama : 2.1.27-28.

31. AS. : 1.13.8, 9; Manu : 8.307 : 9.254; Yājñavalkya : 1.337; Nītivakyāmṛta : 5.2; Mbh. : Śānti 69.25; Śukra : 1.188 : 1.72 : 1.74.

32. Hopkins as quoted by Sharan, P. : Ancient Indian Political Thought, p. 494.

would be that the blind, deaf, dumb and disabled would have to pay heavy taxes as they require much more protection than the others. But they were exempt from taxation.

JUST AND EQUITABLE TAXES

It is emphasized that taxation must be reasonable and equitable, and both the state and the payer should feel satisfied that it is neither light nor oppressive. "The king", says the *Mahābhārata*, "should act in such a way that his subjects should not feel the pressure of want"³³. Manu explains that the king was to draw from his realm moderate and gradual taxes, just as the leech, the calf and the bees take their food gradually.³⁴ While excessive taxation was prohibited, Manu warned the king against levying no taxes at all. "Let him (the king) not cut his own roots (by levying no taxes), nor the roots of the other (men) by excessive greed, for by cutting his own roots (or theirs) he makes himself wretched"³⁵. The gardener plucks fruits and flowers, but does not harm the trees, the bees suck honey, but do not damage the flowers,³⁶ in the same way the king should collect his taxes, but should not cause any suffering to his people. *Kāmandaka*³⁷ says that a king should follow the example of a milkman. Just as the cows are at one time be tended and nourished and other time be milked so the subjects are to be helped at one time and at other be taxed. The *Pancatantra* illustrates the thesis by remarking that one who kills the goat can at best get one meal, but the one who feeds it can get milk for several years.³⁸

According to Manu the text of equitable taxation is that both the king and the people should feel that they have got a fair and reasonable

33. *Mbh. Śānti* 87.15-16, 71.15

34. *Manu* 7.129 *Mbh. Śānti* 88.5

35. *Manu* 7.139 *Mbh. Śānti* 81.18

36. *Pancatantra* 1.243 quoted by Altekar, A. S. *State and Government in Ancient India*, p. 265. *Sukra* 4.2.18, *Mbh. Śānti* 88.4

37. *Kāmandaka* 5.84 *Mbh. Śānti* 87.20

38. *Pancatantra* 1.242 quoted by Altekar, A. S. *State and Government in Ancient India*, p. 265

return for their labours.³⁹ Subjects may be taxed in a way that they may remain strong to bear future burdens and if necessary heavier ones.⁴⁰ In connection with the canon of equity, Manu declares that the king should collect the taxes taking into consideration various aspects affecting the profit and tax-paying capacity of a payer. Obviously, the state afforded due considerations in assessing the taxable capacity of the assessee, "There is no rule for fixing the taxes". says Manu, "In the case of merchants' profits, and where profits are large, even an excessive rate can be realized".⁴¹

Kautilya⁴² states that tax should be collected in a manner as ripe fruits are plucked from garden. As the sun during eight months imperceptibly draws up the water with his rays, even so let the king gradually draw his taxes from his kingdom, for that is the office in which he resembles the Sun. In case if it is otherwise, the system will cause provocation and will pave the path for the ruin of the kingdom. The king was to remain cautious in adhering to the principles of economy in collecting taxes.

Taxes should be levied in proper place", "in proper time" and "in proper form".⁴³ They should never be realised by painful mode, "milk the cow but do not bore the udders".⁴⁴ An article was to be taxed only once not twice.⁴⁵ The taxes on trade and industries were levied on the net profits, after determining the out-turn and the amount of labour necessary for its production,⁴⁶ and if there had to be an increase in the rate of taxation or if extra money was needed, additional taxation could be enforced only with the consent of the people.

39. Manu : 7.127

40. Mbh. : Śānti. 87. 20-21.

41. Manu : 7.128, 129.

42. AS. : 5.2.70

43. Mbh. : Śānti. 88.12-23.

44. Ibid. : 88.4.

45. AS. : 5.2.30; Sukra : 4.2.105.

46. Mbh. : Śānti. 87.16; Manu : 7.127-128; AS. : 4.2.36.

Apart from the usual taxes, the state was also empowered to levy extra cesses to meet unforeseen calamities, or to finance costly works of public utility. The *Arthśāstra* describes these extra contributions as *Prāṇaya* or benevolences and lays down that the farmers may be called upon to pay 25% and merchants from 5 to 50% according to their circumstances.⁴⁷ Epigraphs often refer to these benevolences and extra taxes. But these contributions were invited and the donors were rewarded and honoured by being presented with robes, garments, swords and other emblems.⁴⁸

In times of emergency the scope of extraordinary taxation is widened to an extent that may appear to be unscrupulous, but this may be justified on the ground that grave situation calls for drastic remedies.⁴⁹

Exemption from taxation has been recommended on the ground of incapability in the case of dumb, deaf, blind and the persons who were usually poor. It was also granted in favour of women, the sick, the old, ascetics and the students studying at *Guṛukulas*.⁵⁰ Military villages were exempted from taxation in consideration of regular supply of troops, which they ensured for the army.⁵¹ Both the *Arthśāstra*⁵² and the *śukranīti*⁵³ recommend that if enterprising persons bring fresh lands under cultivation or seek to make it fertile and productive by irrigating it with water from tanks built by themselves, the state should charge only a nominal tax in the beginning and gradually raise it to the normal during a period of four or five years.

47 AS 52 17-22 52 31

48 Ibid 52 35 36

49 Ibid 52 37 44

50 Āpastamba Dh Sūtra 2 10 16 1 17

51 Altekar A S *State and Government in Ancient India*, p 267

52 AS 224 17 18

53 Śukra 42 113 42 124

The question now arises is, "how far the taxes were reasonable and equitable in actual practice? Or were the taxes in ancient India oppressive?"

Royal panegyrists naturally represent the subjects as happy, contended and prosperous; on the other hand we often get clear evidences in literature and inscriptions to show that taxation was very often pressed oppressively on the people. A *Jātaka*⁵⁴ describes the pitiable conditions of the people of a village, who had deserted their homesteads to live in forests in order to escape the tyranny of the tax gatherers. King Lalitāditya of Kashmir is said to have recommended to his successors that they should tax the agriculturists so heavily that they should have with them corn just sufficient for the current year.⁵⁵ Instances are on record of the agriculturists of some villages in Tanjore district giving up all cultivation as a protest against heavy taxation. Under Kulottunga III, one of his feudatory imposed an unjust tax even on waste lands, the protests of the Assembly were of no avail...⁵⁶ Hopkins has advanced the view that taxation in the Vedic period was oppressive and grinding.⁵⁷

As regards the cases quoted above, Altekar states that we should not attach undue importance to these cases... It is indeed surprising that we have so few references to fiscal oppression. Most of the cases referred to above relate to the closing decade of Cola dynasty, when there was distinct deterioration in administration.⁵⁸

The view of Hopkins seems to have been misled by the term "*Viśamattā*". i.e... eater of the people, used to describe the king. This term might have had its origin in custom (observed in Vedic Index).⁵⁹ by which the king and his retinue were fed by the people's

54. *Jātaka* : 5. p.98.

55. *Rājataranginī* : 6.344.

56. Altekar, A.S. : State and Government in Ancient India, p. 283.

57. Hopkins, E. : India Old and New, p. 240, quoted by Altekar, A.S. : State and Government in Ancient India, p. 264.

58. Altekar, A.S. : State and Government in Ancient India, p. 284.

59. Vedic Index : Under Rajan.

contributions. In the Brāhmaṇa literature, the term *Attā* is often used in the sense of enjoyer, for instance, in one place the husband is described as *Attā* and the wife as *Ādya*, the object of enjoyment⁶⁰ It would be too far fetched to argue that these terms indicate that the husband was the eater or oppressor of his wife. The expression 'the eater of the subjects', it must be further remembered, is obviously used metamorphically in a coronation proclamation intended to describe the pomp and power of the king in the most grand eloquent manner "Here comes into existence to day the ruler of all people, the eater of the subjects, the breaker of forts, the destroyer of demons the protector of Brāhmaṇas and Dharma"⁶¹

Arbitrary exactions have been strongly condemned by the law givers. *Vasiṣṭha*, for instance says, "Let him not take property of the inhabitants of his realm"⁶² "Never desire to fill the treasury by acting unrighteously or from covetousness", is the advice of the *Mahābhārata*⁶³ And, again the great Epic is against indulging in exactions, "That avaricious king who, through folly, oppresses his subjects by levying taxes not mentioned in the Sastras brings ruin upon himself"⁶⁴ *Kauṭilya*⁶⁵ condemns the conduct of over zealous officers in these words, "When an officer realises double the usual amount of revenue, he drinks the life blood of the people. The king should prevent such exactions" That the taxation was just is proved by the fact that those who were not capable of paying the revenue have been exempted. These concessions amounted to a considerable loss of revenue to the state. But humanitarian considerations were given greater weight than money. Besides this, other than the troops no monetary taxes were taken from the military villages. Thus remissions and exemptions as measures of relief were recognized on

60 *Sat Br* 1836

61 *Altekar A S State and Government in Ancient India*, p 264

62 *Vasiṣṭha* 10 t4

63 *Mbh Śānti* 71 13

64 *Mbh Śānti* 71 t5

65 *AS* 2812

the principles of Justice.⁶⁶ That the constitutional law of taxation was living law, regulating the life, is borne out by evidences. For instance, in the inscription of Queen Bālāsri of the Sātavāhana family it is proclaimed that her son levied taxes in accordance with the sacred law. Other inscriptions point to the same conclusion...⁶⁷ Even extra taxes could be imposed only in times of national calamity after taking comprehensive steps to explain the situation to the people with a view to ensure their willing response. The king was never to forget that it was only an exceptional remedy to be adopted when there was no other alternative.⁶⁸ How could such a state be oppressive in collecting revenue. It can be maintained that generally the relations between the ruler and the ruled were harmonious, there was little or no friction between them. The people were well satisfied with financial administration.

GRADUAL TAXATION

Taxation policy in the Arthasāstra and in Manusmṛti reflects the view that while the state had its right to the golden egg, the goose was to be protected.⁶⁹ If increase in taxes became inevitable, it was to be gradual, and not sudden and steep. Raising of taxes, says the Mahābhārata, "should be done little by little when the realm's prosperity is increasing. The process must be mild so that the realm might not turn restive".⁷⁰ Again, the great principle emphasized is that taxation should be such that it may not be felt by the subjects. The ruler should act like a bee which collects honey without causing pain to the plants.⁷¹ Incentives in form of moderate taxes should encourage production from marginal lands. Remission of taxes was recommended for a number of socially desirable endeavours.

66. Krishnarao, M. V. : *Studies in Kautilya*, p.217.

67. Jayaswal, K. P. : *Hindu Polity*, pt.2. p. 332.

68. Mbh. : Sānti. 87.26, 39; Sukra 4.2.10.

69. Sharan, P. : *Ancient Indian Political Thought*, p. 494.

70. Mbh. : Sānti. 88.7-8.

71. Ibid. : 88.4..

Generally the customary one-sixth of the produce of land was taken but it could be raised to a third proportion when necessary

As regards the principle of certainty, it may be mentioned that the state fixed the percentage of duties and revenues well in advance. The tax-payer was aware of the limit and quantum of the tax. He had knowledge whether he was to pay the tax in cash or kind. Taxes had been fixed by law and the scales had been embodied in the sacred common law. The consequence was that whatever form of government was there, the matter of taxation was not an object of rulers' caprice. No friction could, therefore, legally arise between the crown and the people on the question of taxation. The main source of friction and of oppression was thus guarded against.⁷²

TAXES, THE REMUNERATION OF THE KING

In lieu of discharging his duties, the king was entitled for his share from the public in the form of taxes, which was termed as his salary or wages. He was entitled to this only if he fulfilled his duty of protecting the people. It was propounded that one-sixth of the revenues, custom dues and fines levied on offenders, which were imposed according to the laws of the scriptures, were the salary of the king.⁷³ Nārada also ordains, "Both the customary receipts of a king and what is called the sixth of the produce of soil, form the royal revenue, the reward for the protection of his subjects."⁷⁴

The Arthasāstra states that when the people were oppressed by the law of fishes, they elected the king and agreed to pay him one-sixth of the grains and one-tenth of merchandise as his dues. Kings, who receive their dues are able to ensure the security and well being (which cannot be attained without protection) of the people.⁷⁵ The people agreed to pay taxes and to be ruled by one person, in order that

72 Jayaswal K. P. Hindu Polity, pt.2 p. 334

73 Mbh. Śānti 71.10

74 Nārada 18.48

75 AS 1.13.6

they may be able to enjoy security and prosperity.⁷⁶ The king thus, was paid for the well-being of his subjects. Śukra propounds that the king was made the master of the people, in order that he, by getting his share, would serve them and protect them.⁷⁷

NO TAXATION WITHOUT PROTECTION

Only that king who protects his people can ask for the taxes; and the reason why the people pay the taxes is that he affords them protection. The king who fails to protect his people and claims the taxes has been condemned. Manu writes, "A king who does not offer protection (yet) takes his share in kind, his taxes, his tolls and duties, daily presents and fines will soon sink into hell".⁷⁸ He further says, "The king who extends no protection, yet receives the sixth part of the produce, takes upon himself all the foulness of his whole people".⁷⁹ The realm of that king who takes his share, and does not punish the thieves, will be disturbed and he will soon loose heaven.⁸⁰ Śukra says that the fate of that king is doomed who fails to protect his subjects.⁸¹

An unprotected society, where there is no peace and order, but anarchy and chaos can be compared to hell. In such a condition when the people are dissatisfied and annoyed, they may revolt against the king, thus making him loose his popularity. For the king all this would amount to nothing but sinking low and loosing his throne.

Yājñavalkya says that it is the duty of the king to protect his subjects.⁸² The people unprotected by the king, if do some wrong (sin), half of the demerits will fall upon the king, because the king claims taxes for public protection.⁸³ Only if a king protects his subjects, he is entitled to receive all the sixth part of their spiritual

76. Ibid. : I.13.8.

77. Śukra : I.188.

78. Manu : 8.307; Mbh. : Śānti. 139.101.

79. Manu : 8.309.

80. Ibid. : 4.254.

81. Śukra : I.120.

82. Yājñavalkya : 1.336.

83. Ibid. : 1.337.

merits otherwise sixth part of their demerits⁸⁴ According to the *Mahābhārata*, the king having taken one sixth as tax from the people and does not protect them would get one sixth of their sins⁸⁵ Kāmandaka is of the opinion that the king should protect his subjects from internal as well as external dangers By removing all these dangers, he is entitled for the taxes⁸⁶

All these ideas reveal that the king for the peace and security, progress and prosperity of his subjects should protect them and only then he was entitled to tax them otherwise not

Kautilya regarded the taxes as wages of the sovereign for the services rendered for the protection and maintenance of law and order It is significant that a tax did not mean in the time of Kautilya, as it means to day, a compulsory contribution made to the state, independent of any immediate quantitative relations between the tax paid by the individual and the services rendered to him by the state The relationship was one of contract between the king and his people and this contract theory of taxation consistent with the Āryan Dhārmic tradition, was a unique and distinctive feature of Indian public finance This relationship was so vital and sacred that the subjects were entitled to claim refund of the taxes, in case of even partial failure of protection⁸⁷

Taxes were the price paid by the citizens for the services rendered by the king in assuring them peace and free enjoyment of their possessions This sort of tacit contract implies that the king was responsible for his administration, and that the people could theoretically lay claims against an administration that has served them badly⁸⁸

84 Manu § 304

85 Mbh Śānti 24.12

86 Kāmandaka 5.83

87 Krishnarao M V *Studies in Kautilya*, pp 216-217

88 Renou, Louis. *The Civilization of Ancient India*, p 107

The Mahābhārata sanctions the abandonment of that king who fails to protect. It states that such a king is like a leaky boat that is dangerous to remain with.⁸⁹ The tie of allegiance was deemed dissolved the moment the king failed to fulfil his duty of protection, and the subjects were free to employ another master instead, or to threaten that king that they would migrate to the enemy's territory and transfer their allegiance.⁹⁰ On this subject we may quote Jayaswal. He writes thus, "The theory that the taxes were wages paid for protection was so ingrained in the constitution that even partial failure of protection was deemed to entitle the subjects to claim the refund of wages in proportion to the loss".⁹¹

FISCAL POWERS OF THE KING

It is thus clear that the king was entitled to levy taxes in return for the protection extended to his subjects. How much percentage of revenue was a king entitled to levy and from which sources? Had the state powers to confiscate the property of those not paying their taxes? These are some questions to be answered.

There were various sources of state income. The Kāmandaka Nītisāra describes eight sources, the *Aṣṭa-varga*, which are, agriculture, trade-routes, the capital, embankments, elephant-catching, mines and gold, levies from the rich, and the founding of towns and villages.⁹² One list in the Arthasāstra gives these as sources—city, country, earth-works, irrigation, forests, herds and trade-routes.⁹³ Another list is—Mūlya (sales receipts), Bhāga (contribution), Vyājī (compensation, as levied in the market) Parigha (literally 'bolt', apparently a gate due), Kṛpta (fixed tax), Rūpika (separate tax) and Atyaya (fine).⁹⁴ Commenting on this Mabbet writes—"There appears to be little scheme here. Bhāga

89. Mbh. : Śānti. 57.44,45.

90. AS. : 13.1.20; Mbh. : Śānti. 320.161.

91. Jayaswal, K. P. : Hindu Polity, pt.2 p.334.

92. Kāmandaka : 5.78.

93. AS. : 2.6.9.

94. Ibid. : 2.6.10.

and Atyaya may have been the biggest sources but only speculation is possible. There are numerous subdivisions that are given. In particular, Rāṣṭra is amplified as Sita, Bhāga, Balī and Kara, which thus appear to be distinguishable. Another classification is, Anyajāta (incidental), Vartamāna (present) and Paryuṣita (outstanding)"⁹⁵

Among the other sources one was the war booty. The term Udāja occurring in the Maitrāyaṇī Saṁhitā, was taken by Professor Delbruck to mean the share of booty taken by the king after winning a war. Professor Macdonell and Keith were of the opinion that Udāja and Nirāja were identical terms referring to the booty in war.⁹⁶ The treasury of the king was also filled in by the tribute from the conquered states. "Its amount", states Altekar, "however, was uncertain and it could be received regularly only as long as the feudatory kings were too weak to refuse it and the imperial army strong enough to enforce its payment."⁹⁷

The king also received the fines imposed on all grades of criminal and civil offenders. In view of the wide range of activities declared illegal, this was probably a source of much wealth for the king. He also received income from forfeitures imposed by judicial decisions.⁹⁸ Sources from which the king had power to exact revenue can be enumerated as follows —

LAND REVENUE

Land revenue was a principal source of income. Generally speaking the state obtained $1/6^{\text{th}}$ as revenue, however, the average rates varied from $1/6^{\text{th}}$, $1/8^{\text{th}}$, $1/10^{\text{th}}$, $1/12^{\text{th}}$, $1/3^{\text{rd}}$, $1/4^{\text{th}}$, to half. Smṛitis lay no uniform rate of taxation and the percentage they recommended varies from eight to thirty three.⁹⁹ The testimony of the Arthaśāstra¹⁰⁰ and

95 Mabbett, I. W. Truth, Myth and Politics in Ancient India, p. 107

96 Satetore, B. A. Ancient Indian Political Thought and Institution, p. 441

97 Altekar, A. S. State and Government in Ancient India, p. 287

98 Sharan, P. Ancient Indian Political Thought, p. 500

99 Manu 8.130, Gautama 10.24.27

100 AS 2.22.7

the Greek writers¹⁰¹ shows that the Mauryan state charged 25% tax on agricultural incomes. Manu lays down that if a king protected his subjects well, he would receive a sixth part from them.¹⁰² That the rates were probably realised according to the fertility of the soil and irrigation facility, is made clear by the statement of Śukra. He recommends a realisation of one-third, one-fourth or one-half from places which are irrigated by tanks, canals and wells, by rains and by rivers respectively. He advocates the realisation of one-sixth from barren and rocky soils.¹⁰³ "Both the customary receipts of a king" says Nārada, "and what is called the sixth part of the produce of the soil is reward for the protection of his subjects".¹⁰⁴ Popular rate of revenue must have been $1/6^{\text{th}}$ as the king has been given the epithets-*Sadbhāgabṛtaḥ* and *Sadbhāgin*. Land revenue was extracted in various forms, They were:—

BHĀGA

Bhāga has been explained by Kautilya in the sense of portion of land produce payable to the government.¹⁰⁵ Ghoshal interprets Bhāga in its technical sense "as the designation of a special tax on land" and it would mean one-sixth of the produce normally levied by the king.¹⁰⁶ Agrawala interprets Bhāga as octroi duty¹⁰⁷ B.A. Saletore does not agree with the above views. He says that there is no justification to interpret Bhāga either as octroi duty or as land tax. In all likelihood it meant the share or portion of the produce payable to the state.¹⁰⁸ The contention of Saletore is quite correct. The term has been used in the

101. Megasthenes : 1.46.

102. Manu : 8.308.

103. Sukra : 4.2.112-113.

104. Nārada : 18.48.

105. AS. : 2.6.3. : 2.15.3.

106. Ghoshal, U. N. : The Beginings of Indian Historiography and other Essays. p. 171.

107. Agrawala, V.S. : India as known to Pāṇini, p. 242.

108. Saletore, B.A. : Ancient Indian Political Thought and Institutions, p. 443-444.

Manusmṛti¹⁰⁹, Rāmāyaṇa¹¹⁰ and Arthśāstra¹¹¹ in the sense of share of produce. The Agnīpurāṇa gives some details about the share of produce.¹¹² Literally too, the term means a part or a portion or a share. The Bāṅskherā¹¹³ and the Madhubana¹¹⁴ plates of Harṣa refer to payment of Bhāga by the donated villages.

BHOGA

Besides Bhāga, the villagers had to pay Bhoga to the king. The land grants generally refer to Bhoga along with Bhaga. According to Medhātithi and Kulluka, this tribute consisted of daily presents to the king in the form of flowers, fruits, vegetables, grass etc.¹¹⁵

BALI

The exact nature of 'Bali' as a source of revenue cannot be ascertained. Shamashastry¹¹⁶ translates the word as 'religious tax'. This interpretation finds support in F W Thomas's¹¹⁷ observation that, "it is perhaps not superfluous to remark that 'Bali' probably denotes a religious cess". But this explanation cannot be accepted. Bali in the sense of tax in general is used in the Vedas. Macdonell and Keith observe,¹¹⁸ "Bali occurs several times in R̥gveda and even often later, in the sense of a tribute to the king or offering to a god". Bali thus means tax or tribute.

UDRANGA AND UPARIKARA

Udranga was levied on permanent tenants of the land and Uparikara is identified as a cess taken from temporary tenants.¹¹⁹

109 Manu 8.307

110 Rāmāyaṇa Ayodhyā. 75.25

111 AS 2.6.60

112 Agni 222.26.30

113 EI 4 NO 29

114 EI 1 NO 11

115 Manu 8.307

116 Shamashastry, R. Kautilya's Arthśāstra, p. 109

117 JRAS 1909 p. 467

118 Vedic Index vol. 2 p. 62 AS 2.35.7

119 Ghoshal U N The Agrarian System in Ancient India, p. 6

Dhanya was the royal share of crops paid in kind and Hiranya was a king's share of certain crops in cash.¹²⁰

CATTLE-TAX

Cattle breeders also contributed to the state treasury. They were required to give to the state $1/5^{\text{th}}$ of the cattle reared by them. Obviously, the share of the state was payable in kind. In this connection reference may be made to the income derived from forest and forest products like honey and flowers. Forest officials zealously guarded royal rights and violation of game laws was severely punished.¹²¹

SULKA

One of the largest sources of income for the king was Sulka or tolls and custom duties. Traders had to pay octroi duties on goods imported or exported. The state justified these duties on the ground that it had to spend considerably for the up-keep and protection of roads on which the merchandise was carried.¹²² The duties were payable in cash or kind¹²³ according to the local usage. Custom duties varied according to the nature of the commodities. Manus recommends 16 percent duty on fuel, meat, honey, ghee, scents, medicines, flowers, vegetables, earthen pots and leather goods.¹²⁴ Kautilya recommends a lighter tariff of 4 percent to 5 percent on medicines, fuel, leather goods and earthen pots. Cotton stuff also paid the same duty, but wines and silken pieces were charged a higher duty varying from 6 & 1/2% to 10%.¹²⁵ However, goods intended for marriage or religious purposes or special ceremonies were to be free of toll.¹²⁶

120. AS. : 1.13.6; Ghoshal, U. N. : The Agrarian System in Ancient India, p.6.

121. Bandyopadhyaya, N. C. : Development of Hindu Polity and Political Theories, p.39.

122. Sukra : 4.2.105.

123. Manus : 7.131; Sukra : 4.2.121.

124. Manus : 7.131-132.

125. AS. : 2.22.6, 7.

126. Ibid. : 2.21.18.

Along with the custom duty, ferry tax had to be paid for passengers goods, cattle and carts ¹²⁷

INDUSTRIES

Industry was also an important source from which the state derived considerable revenues. As far as petty artisans like smiths and carpenters were concerned, it appears that they were usually required to work for one or two days a month for the state ¹²⁸. The central government usually transferred the right to receive the labour tax to the local bodies which could utilise it in carrying out their scheme of works of public utility. Inscriptions refer to this tax as *Kārukara*, the tax on artisans. It may have also included small imposts realized from barbers, washermen, gold-smiths and potters. Weavers used to pay a tax of 1 & ½ panam per loom under the Vijayanagar administration ¹²⁹. Slaughter houses had to pay to the king a portion of their income and even the courtesans had to pay tax.

KARA

It is difficult to ascertain the nature of Kara. Sometimes it indicates a tax in general ¹³⁰. Sometimes it is taken to be synonymous with *Bali* and *Bhāga*, denoting land tax, ¹³¹ sometimes it is included in the category of oppressive taxes ¹³². U N Ghoshal cites the evidence of the inscription of *Mahākṣatrapa Rudradāman* in which *Kara*, *Viṣṭhi* and *Pranaya* are used together, and affirms from this that it would seem that Kara was held like *Viṣṭhi* and *Pranaya* to be an oppressive

127 Ibid 2 21 24

128 Manu 7 138, *Viṣṇu* 3 32

129 Altekar, A.S. *State and Government in Ancient India*, p 280

130 Manu 7 128 129, 133

131 *Amarkoṣa* 2 8 27

132 Sircar, D C. *Select Inscriptions bearing on Indian History and Civilization*
Vol 1 p 169, AS 2 29 7

tax.¹³³ In the Arthashastra it has been described as an emergency tax on the dealer or tax in general or property tax.¹³⁴

PRANAYA

Many ways were resorted to raise funds to meet an emergency. One of them was to invite free gifts i.e. Pranaya. To induce the rich to make such gifts the state showed special considerations to the donors.¹³⁵

VISTHI

Visthi or forced labour was quite common in ancient India. People who were poor and could not afford to pay taxes either in cash or in kind, had to work for the state free of charge for one or two days in a month.¹³⁶ However, the state was required to feed them.¹³⁷

INCOME FROM STATE MONOPOLIES

The state exercised monopoly over certain items. It itself manufactured a number of commodities; the most important were cloth, salt and liquor. Excise duty was levied on salt. Salt deposits could be worked only by the state or its licensees. Trade in wine was under strict state control. It was manufactured partly in state distilleries and partly by private agencies paying an excise duty of 5%.¹³⁸ The state officials distributed cotton among the poorer sections of the community and took away the yarn they produced and got it woven into cloth. This served a dual purpose, help to the poor and needy and income for the state.

All mines were regarded as state property. Some of them were worked by the government, but others were often leased out as well. When such was a case, the lessee had to pay a fairly heavy excise

133. Ghoshal, U.N. : *The Beginnings of Indian Historiography and other Essays*. p. 175.

134. AS. : 1.1.37 : 2.6.15 : 2.15.3.

135. Ibid. : 5.2.17.

136. Gautama : 2.1.31; Sukra : 4.2.119.

137. Gautama : 2.1.35.

138. AS. : 2.25.1-2.

duty According to Śukra it was to be 50% in case of gold and diamonds 33 5% in case of silver and copper and 16 to 25% in case of other metals¹³⁹

STATE'S POWER OF CONFISCATION OF PROPERTY

The state had the authority to confiscate the land of those who failed to pay taxes When a land owner failed to pay the land revenue his land was confiscated and sold away after certain time to cover his dues Even the lands of the Brāhmaṇa owner was sold away for the non payment of the government dues Temples, which owned extensive lands, were not exempted from taxation We have cases of temples, selling part of their land in order to pay the government revenue due from them, and sometimes we even find their lands being sold away by government for default in the payment of land tax¹⁴⁰ The lands of private owners could be confiscated on account of the absence of heirs or the commission of heinous crimes Ownerless and heirless property was claimed by the state At a time when widows were not recognised as heirs to their husband's property, the state would take the whole of it, of course sanctioning a reasonable maintenance to the widows¹⁴¹

The state claimed ownership in treasure troves also It would often mint money for private individuals after charging a small fee It would sometimes engage or license the gold smiths to manufacture silver and golden wares and ornaments for public It would hire its boats for transporting the merchandise of private individuals and charge also a ferry tax for taking men, goods and cattle across the rivers All these activities brought considerable income to the state treasury¹⁴²

139 Śukra 4.2.118-119

140 Altekar A S *State and Government in Ancient India*, p 269

141 Nārada 13.52

142 Altekar A S *State and Government in Ancient India*, p 286-287

ECONOMIC PRESSURE: THE STATE IN FINANCIAL TROUBLE

Income derived from the current sources of revenue, may be supposed to balance the needs of the functioning of the state in normal times, but if the treasury (Koṣa) for some reason or other is in peril, unusual taxes and methods of their collection are to be resorted to. Harsh collection was justified to prevent financial breakdown.¹⁴³ Various measures were advocated by Kauṭilya to augment the financial resources of the realm. Broadly speaking the state could raise revenue in times of financial stringency from eight different sources.¹⁴⁴ Kauṭilya¹⁴⁵ says that when a king finds himself in financial trouble, he may enhance his demand from the peasants. Instead of the customary one-eighth to one-sixth, he may ask for one-fourth or even one-third of their products. He could also ask the peasantry to raise another crop. The state could also demand one-fourth of their (the cultivator's) grain, one-sixth of forest produce and of such commodities as cotton, wax, fabrics barks of trees, wool, silk, medicines, sandal, flowers, fruits, vegetables, firewood, bamboos etc.

The demands from merchants dealing in gold and silver and precious stones could also be enhanced to meet the emergency. Traders in glass, and artisans and dealers in fruits and vegetables were also required to contribute their quota. Even dramatists and prostitutes and persons engaged in rearing cocks and pigs etc, were not spared; each had to contribute his share.

The herdsmen were required to surrender one-tenth of their stock in an emergency. Sukra also holds that the usual rates may be enhanced all along the line to meet contingencies.¹⁴⁶ Kara, Praṇaya and Viṣṭhi were also emergency taxes. Loans or special grants could be taken from the people. Loans were, however, repayable with interest.

143. Sen, B.C. : Economics in Kautilya, p.118.

144. Saleatore, B.A. : Ancient Indian Political Thought and Institutions, p.455.

145. AS. : 5.2.1-29..

146. Sukra : 4.2.10.

The next category of persons who were required to supply revenue were the spies. Disguised as sorcerers, and under the pretence of ensuring safety, they were entitled to carry away the money, not only of the society of heretics and of temples, but also of a dead man and of a man whose house was burnt. They merged in the company of merchants only with a view to rob the latter of their wealth. The Superintendents of religious institutions could collect in one place the property of gods in fortified cities and carry them away to king's treasury. Kautilya shows various other methods to exploit religious sentiments of the people.¹⁴⁷

Even in the state of financial difficulty the state could not overlook economic factors which were believed to have permanent importance. Taxation was not to be ruthless with regard to agricultural interests. If the limit is transgressed it may be temporarily helpful but in no distant future bring about a fall in production which will be harmful to the people and consequently to the state. The policy of increased taxation was to be of caution and foresight.

The state action on forced exactions according to Kautilya was strictly circumscribed by two inviolable regulations. The first declared that such demands shall be made only once never twice.¹⁴⁸ Repeated demands would sap the prosperity of the people. The second restriction which Kautilya put on levying stringent financial aids was that measures such as the above shall be taken only against the seditious (Duṣyeṣu) and wicked (Adhārmikeṣu) people and never against others.¹⁴⁹ Commenting upon the statement of Kautilya, B A Saletore writes, "It appears from this that the bulk of the people were not affected by the severe measures adopted by the state to replenish its treasury. But this cannot be reconciled with some of the methods advocated by Kautilya (of raising funds), which refer to certain

147 AS 5 2 36-44

148 Ibid 5 2 30

149 Ibid 5 2 69

sections of the people like those in country parts, the merehants, and the herdsmen, all of whom cannot be elassed along with seditious and wicked people. We may reconcile this apparent diffieulty by noting that most of the measures refer to the seditious persons, while a few refer to the rest of the people as well."¹⁵⁰ Kangle,¹⁵¹ translates the two words 'Duṣyeṣu' and 'Adhārmikeṣu' as treasonable and unrighteous persons and writes that Kauṭilya advocates more heavy taxes upon these people in times of financial emergency. Śukra¹⁵² also says that a king who takes away the wealth of an undeserving person commits no crime.

ECONOMIC WELFARE AND SECURITY

The state is conceived as an institution for doing good to the subjects. In its theoretical exposition we find not only the idea of protection and justice but also the predominance of economic considerations. Not only was it the duty of the state to protect life and property but also to help its people in furthering the material aspects of life. Thus, at the inauguration of a king, the priest addresses him as follows:- "to thee this state is given, thou art the director and regulator, thou art the steadfast and bearer (of this state or responsibility). To thee this state is given for agriculture, for well-being, for prosperity, for development".¹⁵³ According to Bhīṣma it is the duty of the king to make the earth habitable and comfortable for men, he wanted the government to reclaim land for cultivation, to excavate tanks and lakes, and thus make agriculture independent of the caprices of rains; to make loans of seed-grains to cultivators in time of need.¹⁵⁴ The state took special care to protect consumer's interest.¹⁵⁵ According to Kauṭilya all trade was to be under state control, with the

150. Salefore, B.A. : *Ancient Indian Political Thought and Institutions*, p.475.

151. Kangle, R.P. : *Kauṭilya's Arthasastra*, pt.2, p.301.

152. Śukra : 4.2.7.

153. Sat.Br. : 5.2.1.25.

154. Mbh. : Santi. 88. 14 : 59.114-115.

155. AS. : 4.2.19.

Panyādhyakṣa 'the superintendent of trade' in charge.¹⁵⁶ The state fixed the price of the commodities. Kautilya and Manu have laid down that the king should regulate the purchase and sale of all marketable commodities, after having taken into consideration such factors as investment of capital, interest charges, destination, the period of detention, duties paid and rent and so on.¹⁵⁷ In wholesale transactions a five percent profit was to be allowed on home commodities and ten percent on foreign ones.¹⁵⁸ But if the merchants failed to dispose of their stock wholesale or if obstruction in traffic put them to loss, a higher rate of profit was to be allowed. But fraud in this matter was punished heavily according to the amount involved.¹⁵⁹ Yājñavalkya has prescribed the highest punishment for traders combining to maintain high prices to the prejudice of labourers and artisans.¹⁶⁰ Another officer, the Saṁsthādhyakṣa, 'the superintendent of market' was there to look after the consumer's interests and see that the traders and artisans did not cheat them by fraud in weighing and measuring or by supplying inferior quality or different make of goods.¹⁶¹ Falsification of weights and measures was recognised as a cognizable offence.¹⁶² Yājñavalkya prescribed heavy punishment to those who make false coins and use false balance and play fraud in weighing and measuring.¹⁶³ Weights and measures used in trade were to be manufactured by the Pautavādhyakṣa, responsible for their standardization.¹⁶⁴

Adulteration was an offence punishable by law. Śukra says that the state should see that the articles meant for sale were not

156 Ibid. 4.2.1

157 AS 4.2.1, Manu 8.401, Yājñavalkya 2.253, Nāṭyavālmṛta 62.66

158 Manu 8.401, AS 4.2.1, Yājñavalkya 2.252

159 AS 4.2.19

160 Yājñavalkya 2.249-250

161 AS 4.2.3

162 Manu 8.203

163 Yājñavalkya 2.240 Śukra 1.308

164 AS 2.19.1

adulterated.¹⁶⁵ Yājñavalkya has recommended a fine of sixteen paṇas to be imposed on a trader, who adulterated articles, such as medicine, oil, salt, perfumes, grain, sugar and the like, kept for sale.¹⁶⁶ If hide, iron, wood, bark, cloth, gems, yarn were not of good quality, the fine was eight times of the amount of sale price.¹⁶⁷ He prescribed punishment of highest amercement and of cutting nose, ear and hand of the person who sold prohibited meat.¹⁶⁸ A person selling artificial good was also fined.¹⁶⁹

The state revenues were to be utilised for public purposes. Śukra says, "The collection of treasure is for the maintenance of army and the subjects and for the performance of sacrifices. The collection that is made for self-enjoyment leads to hell and does not give happiness hereafter".¹⁷⁰ Definite provision was made for the promotion of cultural and other interests of the people. 'There is no higher duty than the welfare of the whole world. And what little effort I make what is it for- (in order) that I may be free from debt to the creatures that I may render some happy here and they may gain heaven in the next world', was the motto before the great emperor Aśoka.¹⁷¹ Exemptions from taxes was advocated (for those who were unable to pay) not only in normal times, but also in times of emergencies. Kautilya advocated that the people who could not pay the unusual demands, because of unfavourable conditions, or because of public works, were not only to be exempted, but were liable to receive state aid. The king was not to demand benevolences from such subjects who lived in tracts of middle or low quality, nor from the people who were of great help in constructing fortifications, gardens, buildings, roads for traffic, colonizing waste lands,---, nor from the people who

165. Śukra : 1.308.

166. Yājñavalkya : 2.245.

167. Ibid. : 2.246.

168. Ibid. : 2.297.

169. Ibid. : 2.247-248.

170. Śukra : 4.2.3-6.

171. Sharan, P. : Ancient Indian Political Thought, p. 508.

lived on the borders of his kingdom or who had not enough means of subsistence. The king, on the other hand, was to supply grains and cattle to those who colonized waste lands¹⁷². The orphans, crippled the old, the infirm, the widows and the guardianless women, the miserables, the diseased, the destitutes etc., were to be properly helped and looked after by the state in all possible ways¹⁷³.

Justice was to be done in economic life too. The king was required to look after the proper distribution and utilisation of the wealth. There were moral precepts and norms¹⁷⁴ for economic justice and to some extent they were followed. Under the systems of Panca Mahāyajña and Saṁvibhāga, wherein the person is asked to utilise his income in such a way that economic equality is maintained in society (as far as possible). The persons who had a capacity to spend money for various projects of public welfare, but did not do so, it was ordained for such persons to be punished like a thief. If a wealthy person was indignant to share his money, it was the duty of the state to see the proper division of his money¹⁷⁵. The Mahābhārata says that such a person who is quite wealthy and is not generous and charitable, is liable to be drowned in sea¹⁷⁶.

According to the Arthasāstra all professions and occupations were to be controlled by the state. For instance, the physicians should report all cases of grave illness to the government. If death occurred in an unreported case, the physician was to be punished by the state. Similarly, there were rules for the conduct of gold smiths, weavers, artisans of various descriptions, washermen and others¹⁷⁷. The state also verified that the labourers were paid proper wages, they were entitled to daily, weekly, fortnightly, monthly, quarterly or half yearly

172 AS 5 2 2-4

t73 Mbh Śānti 86 24 57 t9 AS 2 1 11

174 Śrīmadbhāgavata 8 t1 37 7 14 8 Mbh Vana 2 52 Manu 3 70 118

t75 Śrīmadbhāgavata 7 14 8

t76 Mbh Udyoga 33 60

177 AS 2 36 t0 2 23 3 2 13 33 2 23 10

wages on the completion of their work.¹⁷⁸ Women workers were under legal protection.¹⁷⁹ The state helped the labourer during his illness. For economic justice, the state helped the weaker sections of society, the orphans, and the destitutes etc.¹⁸⁰

These passages clearly show the extent of royal authority regarding the economic aspect. The state could interfere to a certain extent in the economic life of the people on the one hand, on the other the theories of 'No taxation without protection' explains that the king had no authority to levy taxes without extending protection to the people; that the king received revenue as his wages and in absence of proper protection the people could refuse to pay taxes, revolt against the king or even threaten to leave his country.

□□□

178. Manu : 8.125-126; Nārada : 6.2; Brhaspati : 16.9.

179. AS. : 2.33.15.

180. Mbh. : Santi. 5.7, 19 : 86.24.

CONCLUSION

The study of the determinants of Royal Authority in ancient India reveals that the authority had its seven constituents. These were called the *Prakṛtis* or *Angas* of a *Rājya*.¹ The *Swāmī* was head of the *Rājya* with ministers, allies, treasury, army, land and fortifications. One who possessed *Aiśvarya* or sovereignty was called *Swāmī*, it primarily denoted a King. He is called *Kūṭasthānīya*, the centre of all activities.² As all the determinants played an important role in deciding the nature and extent of royal authority, none of them can be underestimated.³ The *Saptātmaka* concept of the state is a unique contribution of ancient Indian thinkers.

PURPOSE OF ROYAL AUTHORITY

The purpose of royal authority was said to be the establishment of law and order in society and to create such an atmosphere that each individual enjoyed his life unobstructed and reached the heights of his perfection.⁴ The theories of the emergence of royal authority show that it was a product of deep crisis, i.e., *Matsyanyāya*- the law of the fishes, and came as an antidote to end the crisis.⁵

1 AS 611, Manu 9.294, Yājñavalkya 1.353, Mbh Śānti 69.64-65, 320.156 Mbh, Anuśāsana 65.65, Agni 225.111, Bhāgavata 6.14.17, Kāmandaka 4.1, Sukra 1.61

2 AS 8.1.18

3 Manu 9.297, Mbh Śānti 320.158

4 Mbh Śānti 68.14-17

5 DN 3.93, AS 1.13.5-7, Mbh Śānti 58.12-16

The question of royal authority is phrased most tellingly by Yudhiṣṭhira, who asked Bhīṣma that, in fact, similar to others regarding all attributes of men, why does one man govern the rest of the people. Whereupon Bhīṣma told the story of the origin of kingship-the emergence of royal authority. A person was obeyed by others as he wielded that authority.⁶

RĀJASŪYA SACRIFICE: THE CORE OF KINGSHIP

Performance of the Rājasūya sacrifice was essential for the person (king-designate) to attain kingship.⁷ The rites and rituals of this sacrifice had their peculiar and particular significance regarding royal authority. The king-designate had to pass through all these ceremonies for his being recognised as a king.

The Ratnahaviṁśī ceremony⁸ indicates that the Ratnins had a high status in society and the king-designate had to seek their consent to be installed as a king. They were called the king-makers, the 'givers' and 'takers' of royal authority.⁹ As the king required their strong support to wield political authority he could not go against them and act arbitrarily. Abhiṣecaniyam or sprinkling ceremony occupied central place in Rājasūya sacrifice.

Coronation oath of the king had a profound impact on the body politic. It characterized the duties and powers of the king and the limitations regarding royal authority. The king had to observe the oath, for any disregard to the oath he had to pay the price for it.¹⁰

A critical examination of the Rājapadādāna ceremony¹¹ (vesting of sovereignty) reveals that the authority to rule the people was handed over to the king for the protection and well-being of the people. He

6. Mbh. : Śānti. 59.127.

7. Śat. Br. : 5.1.1.2.

8. Ibid. : 5.3.1.1-2.

9. Taitt.Br. : 1.7.3.

10. Jayaswal, K.P. : Hindu Polity, pt. 2. p.229.

11. Śat. Br. 5.2.2.25.

was not the master, but a trustee of that authority, and that trust could be held by him so far he was dutiful

VALUE-ORIENTED POLITICS

The metaphysical foundation of royal authority indicates that politics devoid of morality is like a corpse. A person may have authority because of his success, because he has been named to an office by proper procedure of appointment, because he is able to command respect or devotion or for any variety of reasons, legitimacy is the final appeal of that authority.¹² Authority is legitimate as long as it is exercised righteously.

Righteousness is the core of royal authority and a righteous king was called the "maker of his age",¹³ and as such he had to shoulder great responsibilities. *Rājadharmā* (kingly duties) was called the abode of all *Dharmas* (duties).¹⁴

The ancient scheme of social organization of *Varṇavyavasthā* and its regulation by the state was endeavoured to bring about a social equilibrium. It reminded the individual, "my station and my duty".

The state in ancient India succeeded in maintaining conditions favourable for the rise of philosophy and religion, it promoted morality and righteousness. Beni Prasad says, "At its highest, the Hindu state was not merely a culture state but an all pervasive moral and spiritual association. With the exception of a few religious tyrants, Hindu monarchs were on the whole tolerant".¹⁵

Though emphasis was put on righteousness, yet we come across the views of some thinkers, who permitted the king to use unscrupulous means in time of dire necessity.¹⁶ Kautilya saw that in particular circumstances a king needed greater freedom to exercise his power, if

12 Drekmier, C. *Kingship and Community in Early India*, p. 253

13 Mbh. *Sānti* 69.79. Sukra 1.22, *Manu* 9.301

14 Mbh. *Sānti* 56.3.7

15 Prasad, Beni. *State in Ancient India*, p. 505

16 AS 10.3.8. 7.6.17.4f. 12.1.18 Mbh. *Sānti* 140.13

he was to provide security and conditions of prosperity to his subjects. The king was forced to take measures that ran counter to the accepted moral standards of the community. Indeed, it was the duty of the ruler towards his subjects that compelled him to take drastic steps to ensure their welfare. But the rule of emergency could not be made the rule of normal times.

H.N. Sinha is of the opinion that there seems divergence between the theory and practice. The kings in ancient India were not self-dedicating, impartial and wise rulers, that the legal theory wanted them to be. Indeed, they sometimes played tyrants, though owing to the general prosperity of the people and the rigid religious or social obligations that sat tight on the people and their princes alike, their tyranny was shorn of its sting.¹⁷

Sinha's contention cannot be sustained. We can ask, if the obligations sat tight on the prince, how could he act tyrannically? And how could tyranny, if it was played, be shorn of its sting? Nevertheless, we have evidences that the theoretical concept of royal duty was translated into practice.¹⁸

A territory with its natural resources, the treasure-troves and above all a well-disciplined and loyal population was considered as a great asset to royal authority. As the king was regarded the trustee, and not the owner of the land, he could not misuse or exploit the land in the way he pleased. This was a check on his authority.

THE RĀJYAMAṆḌALA

The Maṇḍala theory holds that a state is an ally or enemy according to its geographical position with respect to the Viṣṇu. But it should be remembered that only geographical position cannot necessarily determine the enmity or friendship among the states, various reasons play their part in determining the relations among the states such as economic, social, psychological and political.

17. Sinha, H.N. : *Sovereignty in Ancient Indian Polity*, p. 114.

18. Chāṇ. Up. : 5.11.5; Jātakas : no. 1 p.260 : 2p. 118 : 3 pp.325 & 470.

The Maṇḍala theory takes into consideration only twelve states. But such fix number cannot be ascertained. U N Ghoshal writes, 'In practice it is evident that not only would the number of the states vary with the changing circumstances, but their relations, instead of being permanently fixed by geography, would be shaped by the harmony or conflict or their vital interests'¹⁹

In spite of some shortcomings of the Maṇḍala theory, it shows that the states should come together to preserve the balance of power among the states.

Upāya Catuṣṭaya, four expedients, and Sāḍgunya, six fold policy could make or mar a kingdom, and these were to be applied with caution.

WAR, A LAST RESORT

In spite of the glorification of war, and emphasis on the Kṣatriya's duty to wage wars, and condemnation of death on bed for a Kṣatriya, there was a dislike for wars and yearning for peace.²⁰ War was not the remedy to release the tension among the states, because it fails to solve the problems permanently. Enmity cannot be removed by enmity. It can only be removed by love and good behaviour.

Manu²¹ and Kāmandaka²² accept war as a last resort and advocate to avoid it on the grounds of political exigency, whereas the Mahābhārata denounces war on moral grounds. It is learnt from the Mahābhārata that when Duryodhana went to his mother Gāndhārī to have her blessings for his victory in the Great War, she tried to convince, though failed, Duryodhana to abstain from waging war. She said, "War is not benedictory. One cannot achieve moral upliftment and economic well being through it, what to talk of happiness and

19 Ghoshal U N. A History of Indian Political Ideas p 94

20 Mbh Śānti 7.8 Udyoga 82.13 129.40 Stri 23.22

21 Manu 7.199

22 Kāmandaka 9.75

prosperity? In war victory is not certain, therefore one should avoid war".²³

The reasons to avoid war may be any, it is clear that wars were to be avoided as far as possible, as frequent wars would shake the very foundation of royal authority and create new problems to be solved by the conqueror.

NOTION OF CAKRAVARTIN: ANNEXATION NOT APPLAUDED

The notion of Cakravartin or universal sovereign led the king to perform *Aśvamedha* sacrifice. The recognition of this ideal, as Altekar puts, was probably a natural consequence of the realisation of the fundamental unity of India-geographical, religious and cultural. The ancient Indian thinkers, however, laid down that the empire should not be built at the cost of local autonomy, culture and institutions; they; therefore, laid down that the Cakravartin or the emperor should remain content, if his imperial status is recognised by the offer of a suitable tribute.²⁴ The policy of annexation was not applauded.²⁵ After subduing a kingdom the conqueror is vested with greater responsibility. Conquest is not an end in itself. The Conqueror was advised not to do anything which would rankle in the hearts of his enemy. The Conqueror was to win the confidence and support of the vanquished. The installation of the defeated foe or his relations on the throne of the conquered kingdom could create situations both advantageous and disadvantageous for the overlord at the centre. If the relations between the lord and the vassal were cordial it could increase the power of the lord. However, a disloyal vassal could prove to be a source of constant danger to the lord.

The policy of non-interference in the internal administration had its practical bearings. In vast empires the centralization of authority

23. Mbh. : Udyoga 129.40.

24. Altekar, A.S. : *State and Government in Ancient India*, pp. 386-387.

25. *Raghuvamśa* : 4.43 : *Manu* : 9.251; *Viśnu* : 3.47.

could cause disintegration of the empire, as it would be difficult to have control over remote areas. Besides this, there would be practical difficulties in running the administration of those areas. If a person from the conqueror's side was installed on the throne of the vanquished, the people there in would feel it bad and their disaffection might become dangerous to the royal authority at the centre.

The indignities inflicted upon the defeated kings could lead to friction between the lord and the vassal and there could be a constant dread of disloyalty and threat to the royal authority.

The desire to gain the coveted position of a Cakravartin had a psychological impact on the feudatories, and this led them to seek an opportunity to throw off the imperial yoke.

ROLE OF FEUDATORIES

There was dispersal of authority under the feudal system. Though the powerful feudatories were an asset to the king²⁶ they also became a menace to the royal authority,²⁷ because the feudal lords themselves became small kings in their principalities, having splendour and dignity like that of the emperor (though of a smaller degree). The relations between the sovereign power and the feudatories were determined by the fact that to what extent the central authority was competent to control them. Strong personality and the status of the feudal lords may cause the balance to weigh on their side. Danger from the feudal lords might be more baneful if they would present a common front, but the chances were dim, because each feudal lord had his own interests.

The feudatories had their own militia, and as the imperial power had to depend upon their help for the fulfilment of its own purposes, it had to recognise their claims and sometimes they could impose their own terms on the central authority.

26 *Rājataranginī* 7.48 7.587

27 *Ibid* 8.7

Shifting of allegiance by the feudatories to a more powerful ruler was also a source of danger to the overlord. The feudal lords many times acted as king-makers, especially when there was a war of succession.²⁸

RULER-RULED RELATIONS : SANCTIONS BEHIND KING'S OBLIGATIONS

Loyal and devoted subjects enabled a king to stand heavy odds. The relations between the ruler and the ruled to a large extent depended upon the attitude the ruler adopted towards his subjects. He is advised to identify his interests with those of his subjects,²⁹ so that there is no conflict between the interests of the ruler and the ruled. Any conflict between them would cause disintegration of the kingdom.

The state in ancient India was a true commonwealth which took keen interest for the betterment of the public. The English Idealist thinker, T.H. Green said, "The great empires of the East were, in the main, tax-collecting institutions. They exercised coercive force on their subjects of the most violent kind".³⁰ This judgement, as B.A. Saletore argues was partly the result of an incomplete, superficial and biased study of the ancient texts, and partly of the confused political conditions in the later half of the eighteenth century in India.³¹

Green's statement cannot be applied to the ancient Indian states (empires of the East). If the states in ancient India were merely tax-collecting institutions, it would have been very difficult to find public welfare programmes and their implementation there in. A question is asked, "What were the forces behind the implementation of public welfare programmes?" U.N. Ghoshal writes that the Smṛti rules and principles relating to the obligations of the temporal ruler towards his subjects part took of the nature of solemn injunctions, imposed upon

28. Ibid:

29. AS. : I.18.10; Mbh. : Santi. 56.46; Viṣṇu : 3.70.

30. Green, T.H. : Lectures on Principles of Political Obligation, p. 72.

31. Saletore, B.A. : Ancient Indian Political Thought and Institutions. p.72.

the king by sacred canon as part and parcel of a comprehensive scheme of duties of the constituent units of the social system, and they were supported as such by the highest moral and spiritual sanctions. But there were no constitutional laws which could compel the king to observe his duties.³² He further says that there was no provision for a constitutional machinery to enforce the observance of the rules and principles guiding the king's conduct.³³

Ghoshal again argues that, the most convincing proof of the ineffectiveness of the *Smṛti*, *Arthaśāstra* restraints on the ruler's authority in actual practice is furnished by the objective picture of the misrule of kings which lie scattered throughout our ancient literature. These are found, for instance, in the wonderfully realistic description of contemporary life in the *Jātakas* and in Kalhaṇa's *Rājatarangīṇī*, not to speak of the proverbial references in Brahmanical, Buddhist or Jaina works to the evil nature of kings. Even the systematic lists of the king's vices in the *Smṛti* and *Arthaśāstra* works tell their own tale of the grim reality of royal tyranny in ancient times.³⁴

Ghoshal's study is one sided. If the *Jātakas* and the *Rājatarangīṇī* tell us the story about the wicked kings, we should not forget that they bear also the testimony to ideal rulers.³⁵ The lists of the vices of the king, given in the *Smṛti*, *Arthaśāstra* works do not prove that the kings were always addicted to vices. The lists were for the warning to the kings, lest they should indulge themselves in such vices.

Ghoshal holds the view that the old Indian scheme of duties and obligations of the temporal ruler suffered from two fundamental defects. In the first place, it claimed to lay down the law or at least the proper line of conduct, for the king's guidance irrespective of time and place. What was thus gained in extent was lost in force of its

32 Ghosal U N *Studies in Indian History and Culture*, p 292

33 *ibid* p 293

34 *ibid* p 294

35 *Jātaka* p 260 2 p 118 *Rājatarangīṇī* 1 327, 328 338 2 28

practical application. In any case it is not possible to think of the Smṛti Arthasāstra writers as laying down the organic law of a particular state or group of states for any time of the ancient period of our history.³⁶

What Ghoshal wants to say is not clear. Do the rules or principles of the conduct of the king demand the consideration of time and place? The fundamental ideals, the norms and the practices relating to any institution seem to be more or less eternal. Can any ruler be asked to act against public interest? There are some universal and eternal basic principles which cannot be kept within the bounds of time and place. Further, even if we speak of the time and place factor, the ancient Indian thinkers have dealt with the Āpaddharma, duties during emergency.³⁷

"In ancient India" as P.V. Kane puts, "though there were naturally no acts of parliament guaranteeing the above (public welfare) services to the subjects; public opinion, the views of the eminent writers and the practices of the best kings created an atmosphere in which it was thought that it was imperative for the king to provide such services".³⁸ The Māhābhārata provides severe sanctions against a king who fails to guard the welfare of his people.³⁹ Though there were some rulers who did not care for public welfare and acted tyrannically, but this was not a general rule. Further, the tyrants met with their fate.

It was the duty of the king to keep his subjects contented. Popular discontent was so suicidal that Kautilya asks even a weaker king to attack his strong enemy, if the latter's subjects were dissatisfied. Winning over the Kṛtyavarga⁴⁰ - those who are dissatisfied with the

36. Ghoshal, U.N. : Studies in Indian History and Culture, p. 293.

37. Mbh. : Śānti. 140.12.

38. Kane, P.V. : History of Dharmasāstras. Vol. 3. p.60.

39. Mbh. : Śānti. 57.44-45 : 59.106-107.

40. AS. : 1.13.22.

king due to specific reasons, by means of four expedients illustrates this issue

NATIONAL SOLIDARITY THE PRIME CONCERN

The goodwill and co-operation of the subjects strengthened the royal authority. In times of war and national calamities the relations became more cordial, the barriers of class distinctions were considerably relaxed for the sake of national solidarity and united front. When a king marched out on a campaign against the enemy, he did not hesitate to eat from the same plate with the people for the sake of victory and the latter's whole hearted co-operation.⁴¹

The people had their duty to abide by the laws of the realm, to pay the taxes and to fight for right cause

Public opinion acted as a powerful lever, the ruler could not ignore its pressure (the case may be different with the tyrants). The drowning of the children in river Sarayū, for the sake of amusement, by Asmanjas the son of king Sagara caused uproar among the people and they complained the king, and Sagara banished his own son.⁴²

It was advocated that the people are bound by their duty of obedience to the extent the king performed his duty of proper protection of the people, and if the king failed to pay regard to his duty, they could disobey him.⁴³ They could refuse to pay him the taxes,⁴⁴ could migrate from his state to other state.⁴⁵ Further, the threat of revolt against an incompetent and autocratic ruler was a powerful check to keep him to his senses, and even if he did not take this into account, he met with his fate either by deposition from the throne, banishment or death.⁴⁶

41 Śat Br 4.3.3.15

42 Rāmāyana Ayodhyā 27.15.19

43 Mbh Śānti 57.44-45

44 Manu 8.308-309 Kāmandaka 5.83

45 Mbh Śānti 57.44-45 Śukra 1.277.4.113

46 Mbh. Anusāsana 61.32.33 Śānti 59.94 Manu 7.41

ROLE OF MINISTERS

Various organs of the administrative machinery such as Sabha-Samiti, Paura-Jānapada, the council of ministers and the local units shared the political authority with the king, and those could put checks on him.

The council of ministers had its on impact on royal authority. Its importance was realised and it was advocated that the king should not exercise his authority without the assistance of the ministers.⁴⁷ Śukra goes to the extent of saying that without the assistance of the ministers the king would ensure the destruction of himself and his kingdom.⁴⁸

Opinions of the scholars differ regarding the role played by the ministers in keeping the king within his limits. Jayaswal has said that the king was bound by the advice of his ministers.⁴⁹ B.M. Barua, D.R. Bhandarkar and U.N. Ghoshal⁵⁰ are of the opinion that the advice of the council of ministers was not binding upon the king, as he was the final arbitrar B.P. Sinha writes, "there was not a constitutional machinery to prevent the king acting tyrannically, and to keep him within bound in day-to-day administration".⁵¹

The scholars may differ in their opinion but it was a fact that normally the king used to abide by the advice of the ministers in day-to-day administration, as well as in emergencies, Moreover, personal factors counted a great deal in determining the position and powers of the ministers as well as the king. The systems of Rājāyatta-tantra (where the king himself exercises authority). Sacivāyatta-tantra (where the ministers enjoy authority), and Ubhayāyatta-tantra (where authority is

47. AS. : 1.7.9; Manu : 7.53; Śukra : 2.1.

48. Śukra : 2.57.

49. Jayaswal, K.P. : Hindu Polity. pt. 2. p. 287.

50. Ghoshal, U.N. : Studies in Indian History and Culture, p.409.

51. Sinha, B.P. : Readings in Kautilya's Arthasāstra. p.43.

equally shared by the king and the ministers) throw light on the position and powers of the king as well as the ministers⁵²

Whatever may be the system, the importance of the ministers in the body politic cannot be denied

They played the role of king-makers⁵³ During the inter regnum, for the consolidation of the kingdom, they were advised to act as the guardians of the kingdom⁵⁴ Sometimes powerful minister could usurp the throne and become king⁵⁵ But normally the ministers stood by the king

Regarding the relations between the king and the ministers it is said in the *Mahābhārata*, 'Paratantra Sadā Rājā'⁵⁶ the king is always put under control, i.e. he is not independent But it does not mean that he had no discretionary authority Occasions might arise when he had to take steps according to his own discretion But his discretionary authority could not be arbitrary He had to follow some set principles and norms laid down in the law-books And in this sense he is called 'Paratantra'

The organisation of departments under Superintendents with a regular Secretariat and other staff is one of the striking features of the ancient Indian system

DECENTRALIZATION OF AUTHORITY

Under the scheme of decentralization the local bodies shared political authority, Ghoshal writes 'they had not evolved as regular councils upto the Mauryan period, for, in Kautilya's work we are told how village elders in newly settled tracts were required to (no doubt after the usual pattern) act as trustees for the property of minors and of

52 Altekar, A S. *State and Government in Ancient India*, p 183

53 *Rājataranginī* 4 707 4 715 7 702

54 AS 5 6 32-34

55 *Rājataranginī* 1 360 2 4

56 Mbh. *Sānti* 320 139-144

temples, while villages with state encouragement constructed their public works and organised their simple recreations.”⁵⁷

However, the records of various dynasties of Northern and Western India in the Gupta and the Post-Gupta period contain certain sporadic references to village assemblies, or the committee of village elders with appropriate functions. Reference is also made to town councils with representatives of interests and classes, or even to whole town assemblies with adequate functions. Our fullest account of self-governing village assemblies in later times relates to South India during the period of the supremacy of the imperial Cholas ranging from the ninth to thirteenth century.

Regarding the powers of the local bodies Ghoshal raises such questions as,- how far the village assemblies and town councils in ancient India functioned as democratic self-governing bodies? And if so, how far did they help to check most effectively the king's autocratic power? He says that in absence of direct evidence of the organised resistance of the local bodies against royal tyranny and misrule, they cannot be regarded as the most effective checks upon the king's power.⁵⁸ He further writes that the *Smṛti* texts, while investing the customs of various local, social and economic groups with the force of law, and even in some cases giving their representatives the right of declaring those customs, do not certainly authorise them to legislate for themselves.⁵⁹

Ghoshal's contention is not true that the local bodies had no effective checks upon the king's power. As the village was the unit of administration and the centre of all activities, those bodies having local autonomy, right to realise the taxes, to enact laws for their areas, to settle disputes, to have their own militia, had a profound impact on the royal authority. The king could levy the taxes, but those taxes

57. Ghoshal, U.N. : *Studies in Indian History and Culture*. p.288.

58. *Ibid.* p. 292.

59. *Ibid.*

could not be realised which were thought to be oppressive by the local bodies. The king to a large extent depended upon the militia of those bodies.

The thinkers recognised the law-making powers of these bodies. Kautilya requires the Accountant to enter in his books of laws, the manners and customs of castes, families and localities.⁶⁰ The Customs had the force of law. While passing royal decrees the king had to take in to account the laws of various local institutions.⁶¹

Altekar has said that it was the village *Pancayat* which contained the seeds of modern self-governing institutions. Ancient Indian thinkers tried to protect the interests of the people by recommending and bringing about a great decentralization of the functions of government.⁶²

Altekar speaks of decentralization of functions, functions demand some authority to implement them, and thus it demands decentralization of authority too.

"With regard to internal administration", Monier Williams writes, "It is clear from the codes that the country was partitioned into divisions governed by vice-regents, to whom king delegated his own despotic power, and whose authority was again delegated to other subordinate governors, who again divided their power by committing it to other rulers of township in the regular chain."⁶³

Monier Williams on one hand uses the term "despotic power" and on the other hand he speaks of "divided power in a regular chain". If power was so divided how can it be termed as despotic power? Actually it can be taken as decentralization of power.

Economic corporations and village communities enjoyed a good deal of authority in practice but theory placed them, in the last resort,

60 AS 2 7.2

61 Manu 7.41

62 Altekar, A S *State and Government in Ancient India*, p 381

63 Monier Williams *Indian Wisdom*, p 264

under state control. It had the right of directing, supervising and controlling the local bodies.

The existence of various groups that organised education and economic life, as well as religious, military and political activity suggests a crude pluralism.⁶⁴ Though the state had entered into areas of regulation of such bodies, the primary intent was not to destroy the pluralism of society.

IMPACT OF THE ECCLESIASTICAL AUTHORITY

The ecclesiastical authority had a vital role to play in deciding the nature and extent of royal authority. Brahma and Kṣatra are said to be two vital forces of society.⁶⁵ The real strength and progress of society lay in the concerted functioning of these 'two classes. The two together maintained the balance of power in the socio-political sphere.

From the earliest times we see that the office of the Purohita was a venerable post. Any and every Brāhmaṇa was not considered fit or allowed to be a Purohita. The two epithets of Purohita in the Aitareya Brāhmaṇa, 'Vidvāna', learned and 'Rāṣṭragopa', protector of the nation, single out the fit Purohitas from the common run of the Brāhmaṇas.⁶⁶ He held a prominent position in the state administration. In the Vedic age he was one of the Ratnins and a minister in the later period.

He had spiritual authority as well as temporal authority. He was a guide and a moral preceptor of the king. The presence of the Purohita in the administration as well as in spiritual affairs, his authority to interpret the decisions of the Paṇḍit in the light of the Sacred texts, his popularity among the people must have influenced the king's authority. The extraordinary administrative ability of the Purohita can be inferred from the Brāhmaṇa literature that the priest Devabhāga

64. Drekmier, C. : *Kingship and Community in Early India*, p.18.

65. Sat.Br. : 6.6.3.12.

66. Ait.Br. : 8.40.

Śrautarṣa looked after the administration of the Kurus and Śrñjayas Jālu Jātukṛnya held the post of chief advisor or administrator of three states of Kāśī, Kosala and Videha simultaneously⁶⁷ The Aitareya Brāhmaṇa declares that the Purohita is indispensable to the success of royal enterprise⁶⁸

The relations between the king and the Purohita, and their powers varied somewhat in the course of history But it is an accepted fact that the temporal power, for a firm footing required the spiritual authority to lend its support On the other hand, for the preservation and protection of the sacred law and the religious institutions, the spiritual power looked for the help of the temporal power

There were some cases of disputes between Janamejaya and his priest Kaśyapa, between Asmatī and Ganapayas But such disputes were not common, and were not appreciated⁶⁹

Functional resemblance between the king and the deities was advocated Royal authority was attributed with divine glory But it must be remembered that only a righteous king could be adorned with the epithets of gods⁷⁰ But it does not mean that he could act arbitrarily and be immune from punishment He could also be punished if he failed in performing his duties and acted as a tyrant

Divinity was conceded not to the person but to the office of the king The doctrine of divinity of king's office was intended merely to inspire respect for authority and not to encourage autocracy or irresponsibility in the kingly order

There is much uproar among the scholars about the privileges of the Brāhmaṇas on the ground of their high status, exemption from taxation, infliction of mild punishment upon them etc But it should

67 Basu, I India of the Age of the Brāhmaṇas, p 133

68 Ait Br 8 40

69 Bhambhani C P Substance of Hindu Polity, p 97

70 Śukra 1 70

be borne in mind that only learned Brahmanas enjoyed certain privileges and not their whole class. Even they had to pay taxes.

Inparting of free education (without remuneration) was the ideal of those learned persons. It was a kind of indirect taxation, which was realised from them in the form of free education to their pupils.

MAJESTY OF LAW

The law was regarded as the king of kings.⁷¹ The king was the guardian of law, he had to abide by the laws as laid down in the Sāstras (Dharma-Sūtra and Smṛtis) or embodied in customs of the country. He had very little authority to tamper with it or change it substantially. There were various sources and kinds of law, kingly order being one of them. Though Kauṭilya⁷² attaches too much importance to the king's decrees i.e. Rājasaṁśna, yet the king could not enact laws at his sweet will. He had to pay respect to the established laws of the land, the usages and traditions of various groups. Kauṭilya warns the king about the dangers involved in any radical departure from customs. Even the customs and laws of the defeated kingdom were normally kept intact.⁷³

CLASS LEGISLATION

Inspite of the supremacy of law, the king being subject to law, the Brahmanical law-codes testify class legislation.⁷⁴ It sounds undemocratic. The laws of evidence, oaths, ordeals and the penalties prescribed for various classes defeat the purpose of the rule of law, where everybody is treated equal in the eyes of law. Equality of all citizens before law did not exist in ancient India.

The state protected and supported the Varnāśramaṇavyavasthā which was undoubtedly iniquitous, especially for the Sudras. "We should

71. Manu : 7.17; Anguttara Nikaya 3. pp.149,151.

72. AS. 3.1.40.

73. Yājñavalkya : 1.343.

74. Baudhayana Dh.Sūtra : 1.10.19.16; Āpastamba. Dh. Sūtra : 1.11.24.1; Gautama.Dh.Sūtra : 22.14-16; Manu : 8.142 : 8.267; Yājñavalkya : 2.37.41; Nārada : 15.16, 21.

however", says Altekar, "not forget that such iniquities and inequalities existed in all civilizations, eastern and western, and have not completely disappeared even in the modern times"⁷⁵

IMPARTIAL ADMINISTRATION OF JUSTICE

Emphasis was always put on impartial administration of justice. It was impartial in the sense that king's rod fell alike on friend or foe. Kautilya says that the power, when exercised by the king with impartiality and in proportion to guilt either over his own son or his enemy, maintains this world and the next.⁷⁶

Manu lays down, as the first ideal of court proceedings the finding of truth at all costs. He has gone to the extent of stating that there shall be a re trial in a case where it is found later that truth has not won.⁷⁷ Manu puts stress on justice for its own sake, justice is very important merely as justice, because only justice is expected of an ideal king only justice will create confidence in the king and his royal power.⁷⁸

KING'S JUDICIAL POWERS LIMITED

Though the highest court of appeal, the king was not allowed to have exclusive monopoly in the sphere of judicial administration. He was assisted by the judges and the jurors. No trial of a case could begin without the assistance of the jurors. The king was expected to accept the opinion of the jurors. The jurors could express their independent views, may it be against the sweet will of the king. As the number of the jurors was odd, normally there was no tie regarding their opinion but when the jurors could not come to any definite decision, the king had the privilege of deciding such cases. But he had to be very cautious, otherwise a wrong decision would bring bad name to the king and would defeat the purpose of justice.

75 Altekar A S *State and Government in Ancient India*, p. 385

76 AS 3 142

77 Manu 8 117

78 Ibid 8 16 17

For the interpretation of law-codes the king depended upon the learned Brahmanas. Justice was administered in his name whether he was present or not in the court. In matters of judicial transactions he could delegate his authority, but here also he had to follow certain rules.⁷⁹ The king could not alter the fixed judicial procedure.

There was the decentralization of judicial power. Normally the local courts decided the petty issues and the king did not interfere therein, though appeal lay to the king's court.

The king was liable to punishment for his misdeeds. The ruler who abused the power of sanction and coercion was warned that he might find himself its first victim.⁸⁰

Manu advocated that where an ordinary offender is charged with a fine of one Kāṣapana, the king for the same offence be charged with a fine of one thousand Panas, as he shoulders greater responsibilities.⁸¹

PECULIAR NATURE OF PUNISHMENT

The law-givers knew that no law will be obeyed if it fails to create fear as well as respect in the heart of the probable offenders and confidence in the heart of law-abiding citizens.⁸² The four modes of punishment⁸³ were, gentle admonition (Vāgdaṇḍa), severe reproof (Dhigdaṇḍa), fine (Dhanadaṇḍa) and corporal punishment (Vadhadāṇḍa). Priority given to the verbal condemnation as form of punishment shows how much alive were the ancient thinkers to the sensitivity of an individual, and that they provided opportunity for a person to improve by giving him a very light punishment for his offence.

79. Sukra : 4.5.12-14.

80. Manu : 7.28.

81. Ibid. : 8.336.

82. Ibid. : 7.22.

83. Ibid. : 8.129.

It was believed that the society comprising of mutually dependent individuals must remain high in culture, morals, decency, nobility, progress, safety and health, and that explains the peculiar nature of harsh punishments. To Manu, the punishments that he lays down are not harsh or inhuman, or even if they are harsh, they are a necessity. This is because no man on the earth is perfect.⁸⁴

MERCENARY TROOPS CRITICIZED

Army to a great extent decided the fate of a king. In ancient India emphasis was laid on a well-equipped and well-organised army. There were six kinds of troops, and among them the *Maulabala*, hereditary troops were preferred due to their greater advantages than others. This force depended on the king for its maintenance, was constantly drilled and received constant favours from the king.⁸⁵ This was a reliable force and could not be easily won over by the enemy. The king had to depend on the hired troops also. There were many chances of their being swayed from loyalty by mercenary considerations and their becoming deserters. As such mercenary troops were criticized.

STRIKING FEATURES OF FISCAL POLICY

Sound finances are the backbone of a state. Treasury was called the root of the state⁸⁶ and the king was asked to keep his treasury full and guard it properly. He was always reminded that financial crisis is most fatal to the state.

The kinds and amount of taxes were fixed by the sacred law as enunciated in the *Dharmaśūtras* and the *Smṛitis* and by customs and traditions. The consequence was that no friction could arise between the king and the people on the issue of taxation. The principles of taxation were so framed, and the system for its realisation so

84 Ibid 7.22

85 AS 9.2.1

86 Mbh Udvoga 119.16

organised, that the king had hardly any room for using his arbitrary authority therein.

Excessive taxation was prohibited, but the king was warned against levying no taxes.⁸⁷ There were provisions to levy extra taxes to meet national calamities, but here also the king was advised to explain to the people the dire necessity for taking such steps; and it was to be adopted as an exceptional remedy. The means for realising extraordinary taxes may sound unscrupulous, but as financial breakdown was ruinous both for the king and the people, under grave situations drastic steps were recommended for realising such taxes.

The most striking feature of the taxation policy was that nobody could escape from paying taxes. The persons who could not afford to pay taxes either in cash or kind had to work for the state free of charge for one or two days in a month. However, they were fed by the state.⁸⁸ But the incapable persons such as old, dumb, deaf, blind and others were exempt from taxation.⁸⁹

The guiding principle of all economic activities, whether in public or private enterprise, was the welfare of the people accompanied with the advancement of the state. The state while building up a sound economy, was also expected to ensure that the professions of agriculture, cattle-rearing, trade and banking were carried on by persons of honesty and integrity.

T.N. Ramaswamy writes, "Kautilya takes up the subject of planning of institutions and politico-economic functions within the state. Planning not only involves conservation of existing resources but initiation and development of new projects, all intended to strengthen the state and exercise authority".⁹⁰

87. Manu : 7.80.

88. Gautama Dh. Sūtra : 2.1.35.

89. Āpastamba.Dh.Sūtra : 2.10.16.1-17.

90. Ramaswamy. T.N. : Essentials of Indian Statecraft. p.20.

PROTECTION OF CONSUMERS INTERESTS

Ramaswamy has not properly estimated Kautilya's views. Economic planning was not intended only to strengthen the state, but also to protect public interest. The *Arthashastra* reveals a definite attempt to strike a reasonable balance between the interests of the state, the traders and the consumers. Altekar has said, "it tried to keep the scale between the capital and the labour, the employer and the employee, the producer and the consumer and the merchants and the purchaser by laying down suitable and stringent regulations for curbing the greed of the former and protecting the interests of the latter"⁹¹. Safeguarding of the consumers interests is the very essence of a welfare state. The increase in dearness allowance with a reference to the price index is not the real solution of the problem, because on one hand when dearness allowance is increased, on the other hand price get doubled, there being no appropriate measure to control them. The real solution lies in fixing the prices of all marketable commodities, specially of those of bare necessity and prescribing severe penalties to profiteers, hoarders, black marketeers and adulterators, who exploit the consumers. Not only does the solution lie in simply making laws, but in its implementation through an appropriate, fair, pure and uncorrupt administrative machinery.

The economic side of national life received its fullest attention from the head of the state. The king was to maintain those without means and to relieve distress.⁹²

Taxes are said to be paid to the king in lieu of the protection he provided to the people. If he failed in performing his duty, the people had right to stop paying taxes.

It is admitted that the interests of an average person were not adequately protected when a greedy tyrant was on the throne. In *Rajatarangini* references are found regarding cruel exactions

91 Altekar, A. S. *State and Government in Ancient India*, p. 384

92 Mbh. Śānti 86.24-57.19; Sabha 5.125; AS 2.1.11

including the appropriation of the whole harvest for three years and confiscation of the endowed lands or *Agrahāras* of the *Brāhmaṇas*.⁹³ But this was not a common practice.

WAS MONARCHY AN AUTOCRACY?

Different views are expressed regarding the nature of monarchy in ancient India. Vincent Smith writes that the early tribal constitutions of a republican character perished without leaving a trace. As a result autocracy remained substantially the only form of government with which the historian of India is concerned, and there were no checks on the king's power.⁹⁴

On the other hand K. P. Jayaswal says that there were a number of checks on the king's authority in ancient India. The king was regarded, as the servant of the people, getting his wages, and as virtually a constitutional slave. The monarchic state in Hindu eyes was a trust, and law had its paramount position in the state.⁹⁵

A.S. Altekar opines that failure to develop proper secular and constitutional checks on the power of the king was the main reason for the kingly ideal not being frequently realised in practice and the king becoming a tyrant.⁹⁶ Regarding the rights of the people as a check on king's authority Altekar is of the view that the remedy of en masse migration from a tyrant's country was a very impracticable one and could not be easily resorted to; regicide as a remedy against day-to-day petty cases of tyranny is altogether impracticable and inapplicable.⁹⁷

Elsewhere Altekar says that there were other checks which were sufficiently effective in normal times, such as the religious and spiritual sanctions for the king's guidance, the king's coronation oath,

93. *Rājataranginī* : 4.620 : 7.144-147, 189.

94. Quoted by Ghoshal, U. N. : *Studies in Indian History and Culture*, p.277.

95. Jayaswal, K.P. : *Hindu Polity*, pt.2. p.219-220.

96. Altekar, A.S. : *State and Government in Ancient India*, pp.334, 335, 381.

97. *Ibid.* : p.99-100.

the emphasis on the proper education and training of the princes, and the recognition of the right of the people to depose or kill a tyrant⁹⁸

At another place Altekar says that it should not, however, be supposed that our ancient Indian constitutional thinkers had left everything to the fear of hell, the force of public opinion or the chances of a successful resurrection. They had advocated and brought about an extensive decentralization of government functions. It was the most effective and practical check upon the king's power⁹⁹. Again the learned author states that in actual practice the fear of hell was the only effective deterrent in the case of a tyrant¹⁰⁰. Thus, Altekar has put contradictory views. The fear of hell was not the only check on king's authority.

R C Majumdar gives an interesting contrast between the types of the ancient Indian polity in two successive historical periods. In the period extending from c 600 B C to 300 A D the ideal form of government involved the balance of three elements, the king, the bureaucracy and the people, each serving as a check upon the other. But in the following period ranging roughly from c 300 to 1200 A D this balance was disturbed, and there was a general tendency towards weakening of the popular control and the establishment of unchecked bureaucracy of autocracy¹⁰¹.

Ghoshal expresses his opinion that the explicit recognition of the customs of social and economic groups as a secondary source of the state law in the Brahmanical Smṛtis from first to last, and the reference to the functions of the village assemblies and the town councils in the historical inscriptions disproves the contention that later Indian Kings and Emperors never shared their power with

98 Ibid p 103

99 Ibid p 380

100 Ibid

101 Quoted by Ghoshal U N *Studies in Indian History and Culture* pp 71 281

political institutions.¹⁰² But regarding the concept of the king as a servant of the state (or the people), that kingship was a trust and so forth, Ghoshal says that they rest upon farfetched interpretations of isolated texts, that the king was bound by his coronation oath involve one-sided judgement.¹⁰³ The writers failed to reach the standard of constitutional law with a recognised human authority for enforcing their observance by the ruler in normal times.¹⁰⁴

Charles Drekmiere writes, "The authority of the assembly, the role of the people in coronation ceremony and their power to banish the king point to degree of popular control in the Vedic age".¹⁰⁵

Thus there are contradictory views of scholars of ancient Indian polity regarding the nature of kingship. Some say that there being no effective measures to check his authority, he could become an autocrat. Others say that there were many checks upon the kingly authority, and he could not act arbitrarily.

A critical study of the issue reveals that though there were several autocrats in different periods, normally the kings acted moderately. Royal power was not absolute but limited in a variety of ways. As a king may not be in a position to understand every provision of the comprehensive code of conduct, he is required to get expert advice, from his ministers in matters of administration, from judges in matters of adjudication, and from the Purohitas in matters relating to penances and vows.

The implication of much of the Indian theory is that when a king, as a result of incompetence or arbitrariness failed to fulfil the duty of his office, he ceased to be a king at all.

102. Ghoshal, U.N. : *Studies in Indian History and Culture*, p.283.

103. *Ibid.* 294.

104. *Ibid.* 293.

105. Drekmiere, C. : *Kingship and Community in Early India*, p.9.

The king was expected to give proper leadership to the people,¹⁰⁶ and that king was able to lead properly who observed his duties in right manner. Arbitrary use of power by the king invites calamities. The kingdom disintegrates and there is discord among its constituents,¹⁰⁷ thereby resulting in anarchy thwarting the very purpose of royal authority which is to eliminate anarchy.

When anarchy ends and fearlessness prevails, the heights of multidimensional progress and prosperity of the society are reached. Fearlessness is the fundamental democratic value that sustains royal authority.¹⁰⁸ It is said that, that ruler is capable of granting fearlessness to the people who does not trade in politics and who like a true servant of the people guards the political authority as a trust. Vyās' advice to Yudhiṣṭhira provides guidelines for the rulers. He says "Rājyaṁ paṇyam na kārayet" Politics should not be made a profession.¹⁰⁹

□□□

106 Sukra 1.65

107 Ibid. 2.4.1.19

108 Mbh. Śānti 57.33, Manu 8.303.9.255

109 Mbh. Śānti 24.16

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